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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART G: EXCEPTIONS TO THE RULES

Section

2800.700 Special Exceptions - Requested in Advance
2800.710 Ex Post Facto Exceptions

AUTHORITY: Implementing and authorized by Sections 12, 12-1, 12-2, and 12-3 of "AN ACT in relation to State finance" (Ill. Rev. Stat. 1989, ch. 127, par. 148, 148-1, 148-2, and 148-3) and authorized by The Travel Regulation Council (80 Ill. Adm. Code 3000).

SOURCE: Amended March 11, 1976; amended at 2 Ill. Reg. 30, p. 215, effective August 1, 1978; new rules adopted at 4 Ill. Reg. 28, p. 155, effective July 1, 1980; old rules repealed at 4 Ill. Reg. 30, p. 1224, July 1, 1980; amended at 5 Ill. Reg. 150, effective January 1, 1981; amended at 6 Ill. Reg. 6682, effective July 1, 1982; amended at 7 Ill. Reg. 9205, effective August 1, 1983; amended at 8 Ill. Reg. 127, 130, effective January 1, 1984; amended at 11. Reg. 14243, effective August 1, 1984; codified at 8 Ill. Reg. 19350; amended at 10 Ill. Reg. 18014, effective October 6, 1986; Part repealed, new Part adopted at 12 Ill. Reg. 738, effective January 15, 1988; emergency amendment at 15 Ill. Reg. 13196, effective September 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17981, effective November 27, 1991; amended at 16 Ill. Reg. 4831, effective March 12, 1992; amended at 16 Ill. Reg. _____, effective _____.

Section 2800.410 Employee Owned or Controlled Housing

State employees on travel status may stay in employee owned or controlled (rented, leased, etc.) property including motor homes and shall be reimbursed, upon request, for the cost of lodging not to exceed 75% of the applicable lodging rate per day. Lodging reimbursement shall not exceed the mortgage, installment or rental payment made by the employee. The monthly mortgage, installment or rental payment may be not exceeded ~~in any given month~~ during a fiscal year provided that \$800.00 in the city of Chicago, \$700.00 in suburban Cook County, Lake, McHenry, Kane, Will and Dupage County, and \$550.00 in the 96 downstate counties. The total reimbursement for the fiscal year shall not exceed the mortgage, installment or rental total of that fiscal year. Exceptions to the monthly mortgage, installment or rental payment allowed, may be granted by the Board upon written request from the Agency Head. Once that amount is reached, further lodging reimbursement shall not be given for travel to the city or work site containing the employee owned or controlled housing. Each agency shall monitor expenses to ensure compliance with this Part and shall report to the Board when the maximum reimbursement is reached. Agencies shall report quarterly to the Board fiscal year to date expenses of employees receiving reimbursement under this provision. Prior to receiving reimbursement a statement giving the address of the property, mortgage, installment or rental payment and distance from the work site must be filed with the Board. This option is not available if other costs such as

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mileage would make this a more expensive alternative.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

1) Heading of the Part: Americans With Disabilities Act Grievance Procedure

2) Code Citation: 4 Ill. Adm. Code 575

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
575.10	New Section
575.20	New Section
575.30	New Section
575.40	New Section
575.50	New Section
575.60	New Section

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134) and Section 35.107 of the Equal Employment Opportunity Commission's rules entitled "Nondiscrimination on the Basis of Disability in State and Local Government" (28 CFR 35.107) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.42).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes a grievance procedure for the prompt and equitable resolution of complaints of violations of Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134) and the Equal Employment Opportunity Commission's rules entitled "Nondiscrimination on the Basis of Disability in State and Local Government Services" (28 CFR 35).

6) Will these proposed rules replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed rules contain incorporations by reference? Yes.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. George Woulard, Designated Coordinator, or
Mr. Norman Sims, Deputy Director

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Department of Commerce and Community Affairs
620 East Adams Street
Springfield, Illinois 62701
(217) 782-7500

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 28, 1992.
- B) Types of small businesses and small municipalities affected: Small businesses and small municipalities may be affected by certain provisions of the ADA.
- C) Reporting, bookkeeping or other procedures required for compliance: None for small businesses and small municipalities. Complainants, however, must follow procedures and timelines specified in the rule.
- D) Types of professional skills necessary for compliance: Complainants may choose to obtain outside counsel.

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED RULES

TITLE 4: DISCRIMINATION PROCEDURES

CHAPTER XX: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 575

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

575.10 Purpose
575.20 Definitions
575.30 Informal Resolution
575.40 Grievances
575.50 Final Review
575.60 Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134) and Section 35.107 of the Equal Employment Opportunity Commission's rules entitled "Nondiscrimination on the Basis of Disability in State and Local Government" (28 CFR 35.107) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.42).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 575.10 Purpose

Pursuant to Title II, Subtitle A of the Americans With Disabilities Act of 1990 (ADA) (42 U.S.C. 12131-12134) and Section 35.107 of the Equal Employment Opportunity Commission's rules entitled "Nondiscrimination on the Basis of Disability in State and Local Government Services" (28 CFR 35.107), this Part establishes a grievance procedure for the prompt and equitable resolution of complaints regarding discrimination on the basis of a disability against the Department of Commerce and Community Affairs (Department) and/or entities which administer programs, services or activities on behalf of the Department under a contract, a grant or any other legally binding agreement. However, Title II and this Part do not apply to private entities unless they are legally obligated to administer a program, service, or activity on the Department's behalf.

Section 575.20 Definitions

"Complainant" is an individual with a disability who files a grievance form provided by the Department in accordance with this Part.

"Designated Coordinator" is the person appointed by the Department's Director to coordinate the Department's efforts in complying with and in carrying out its responsibilities under

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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Title II, Subtitle A, of the ADA, including investigation of grievances filed by complainants. The Designated Coordinator for the Department can be contacted by mail at 620 East Adams Street, Springfield, Illinois 62701 or by telephone at 217/785-6323.

"Director" is the Director of the Department of Commerce and Community Affairs.

"DISABILITY" MEANS, WITH RESPECT TO AN INDIVIDUAL, A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF THE MAJOR LIFE ACTIVITIES OF SUCH INDIVIDUAL; A RECORD OF SUCH IMPAIRMENT; OR BEING REGARDED AS HAVING SUCH AN IMPAIRMENT (42 U.S.C. 12102).

"Grievance" is any complaint under the ADA by an individual with a disability who meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Department, and who believes he or she has been excluded from participation in or denied the benefits of any program, service or activity of the Department, or has been subject to discrimination by the Department, on the basis of his or her disability. Programs, services, or activities of the Department include those administered by entities on behalf of the Department under a contract, a grant or any other legally binding agreement.

"QUALIFIED INDIVIDUAL WITH A DISABILITY" MEANS AN INDIVIDUAL WITH A DISABILITY WHO, WITH OR WITHOUT REASONABLE MODIFICATIONS TO RULES, POLICIES, OR PRACTICES, THE REMOVAL OF ARCHITECTURAL, COMMUNICATION, OR TRANSPORTATION BARRIERS, OR THE PROVISION OF AUXILIARY AIDS AND SERVICES, MEETS THE ESSENTIAL ELIGIBILITY REQUIREMENTS FOR THE RECEIPT OF SERVICES OR THE PARTICIPATION IN PROGRAMS OR ACTIVITIES PROVIDED BY THE DEPARTMENT (42 U.S.C. 12131).

Section 575.30 Informal Resolution

The Department and/or entities which administer programs, services, or activities on behalf of the Department under a contract, a grant or any other legally binding agreement shall make every effort to informally resolve complaints under the ADA before they become grievances, in accordance with 28 CFR 35.176.

Section 575.40 Grievances

- a) Who May File a Grievance. A grievance may be filed by any individual who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the Department and/or an entity which administers

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programs, services, or activities on behalf of the Department under a contract, a grant or any other legally binding agreement.

- b) Filing Grievance. A grievance shall be filed with the Department not later than 180 calendar days from the date of the alleged discrimination. The complaint shall be submitted on the Department's grievance form which can be obtained by contacting the Department's Designated Coordinator. The grievance form shall be sent by certified mail, return receipt requested within 5 working days of request.

- 1) The grievance form shall include:

- A) the complainant's name, address, and telephone number;
 - B) the best means and time for contacting the complainant;
 - C) the program, service or activity which was denied the complainant or in which alleged discrimination occurred;
 - D) date of alleged discrimination;
 - E) nature of alleged discrimination;
 - F) dated signature of complainant, certifying that he/she is qualified or otherwise eligible to participate in the program, service, or activity and that all information on the form is true to the best of their knowledge and belief.
- 2) If the grievance is based on the denial of a requested reasonable modification, the following information shall also be completed on the form:
- A) reasonable modification requested;
 - B) date reasonable modification was requested;
 - C) person to whom request was made;
 - D) estimated cost of modification (if known)
 - E) why the requested modification is necessary to use or participate in the program, service or activity;
 - F) alternative modifications which may provide

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accessibility; and

- G) any other information complainant believes will aid in a fair resolution of the grievance.

- c) Resolution of Conflict. The Designated Coordinator shall investigate the grievance and based upon the information obtained during the investigation and the information submitted by the complainant on the grievance form, shall render a written decision to the complainant and the Director within 10 working days of receipt of the grievance form.

Section 575.50 Final Review

- a) If the grievance is not resolved by the Designated Coordinator to the satisfaction of the complainant, the complainant shall submit a written request for final review to the Director within 5 business days after receipt of the Designated Coordinator's response. The request shall include the reason for dissatisfaction with the response; if desired, a request for an appearance before the Director, and the name of the representative who will appear on complainant's behalf.
- b) Upon receipt of a request for final review, the Director shall appoint a three-member review panel comprised of a legal counsel for the Department, the Deputy Director of the bureau within the Department which administers the program, service or activity in question, and the Department's Equal Employment Opportunity/Affirmative Action Officer.
- c) The Director shall acknowledge in writing the receipt of a request for final review within 10 working days of receipt of the request. If an appearance has been requested, the written acknowledgement shall include a date, time, and location for the appearance which shall be no later than 15 working days after the acknowledgement was postmarked.
- d) The panel shall review the Designated Coordinator's written response, the complainant's reason for dissatisfaction with the response, and take any oral or written testimony that it deems necessary to resolve the matter in accordance with the ADA. If the complainant has requested an appearance in accordance with subsection (a), the panel shall take oral or written testimony from the complainant and/or his or her representative.
- e) Within 10 working days after the final review, the panel shall prepare a written recommendation to the Director. All recommendations shall include the reasons for such recommendations and shall be signed by the concurring panel

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members. A dissenting member of the panel shall make a recommendation to the Director in writing and state the reason for the dissent.

f) Upon receipt and review of the panel's recommendation and review of the record, the Director shall render a written decision either approving, disapproving, or modifying the panel's recommendation, and state the basis for his decision, and cause a copy of the decision to be rendered on the parties. The Director's decision shall be final and shall be issued no later than 10 working days after the date of the panel's recommendation.

g) All written correspondence, documents, and materials relating to the complaint shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1989, ch. 116, par. 43.3 et seq.) or as otherwise required by law.

Section 575.60 Case-by-Case Resolution

Each grievance involves a unique set of factors which include, but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the program, service or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

1) Heading of the Part: Local Tourism and Convention Bureau Program

2) Code Citation: 14 Ill. Adm. Code 550

3) Section Numbers:
550.20 Proposed Action:
550.30 Amendment
550.40 Amendment
550.50 Amendment
550.60 Amendment

4) Statutory Authority: Implementing Section 46.6a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.6a) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.20).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking serves to revise rules for the "Local Tourism and Convention Bureau Program" (14 Ill. Adm. Code 550) for the upcoming fiscal year. Amendments update definitions, procedures of allocating funds to grantees, program requirements, administrative requirements, and application procedures.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Norman Sims, Deputy Director
Department of Commerce and Community Affairs
Bureau of Policy Development, Planning & Research
620 East Adams Street, 3rd floor
Springfield, Illinois 62701
(217) 524-4845

12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 28, 1992.
- B) Types of small businesses and small municipalities affected: All local tourism and convention bureaus which participate in this program are not-for-profits and are therefore considered to be small businesses in accordance with the Illinois Administrative Procedure Act. These bureaus may be affiliated with one or more municipalities (small or large) or counties which would act as the grantee or the bureaus may receive funds directly.
- C) Reporting, bookkeeping or other procedures required for compliance: All bureaus must comply with the revised program requirements, administrative requirements and application process. A lapse report has been added for financial reporting. More detail as to what is required in the financial reports has been added quarterly. Only final programmatic reports will be submitted quarterly. Only final programmatic projects requires a required. Although activity for LTCB-funded projects requires a breakdown, the information to be submitted is less detailed. The project categories for this reporting have been revised.
- D) Types of professional skills necessary for compliance: Bureau staff possess the necessary skills for compliance.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE C: ECONOMIC DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 550
LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section	Purpose
550.10	Definitions
550.20	Formula-for-Allocation of Appropriations to Grantees
550.30	Eligible Applicants
550.35	Program Requirements
550.40	Administrative Requirements
550.50	Application Process
550.60	

AUTHORITY: Implementing Section 46.6a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.6a) and Section 8.25 of "AN ACT in relation to State Finance" (Ill. Rev. Stat. 1990 Supp., ch. 127, par. 144.25) and authorized by Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.20).

SOURCE: Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 550.20 Definitions

"Act" - Act means Section 11 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.6a) which establishes a grant program herein referred to as the Local Tourism and Convention Bureau Program.

"Applicant" - Applicant means a certified local tourism and convention bureau.

"Application" - Application means the written request by certified local tourism and convention bureaus for funds authorized by the Act.

"Bureau" - Bureau means local tourism and convention bureau.

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"Certified Bureau" - Certified bureau means that local bureau which has been designated by the Department as a grantee entitled to receive funds under the Act in accordance with Section 550.60.

"Contractual Cooperative Promotional Project Agreement" - A contract to provide funds from a local entity to a bureau to cover a portion of the costs for a cooperative promotional project. Such funds must be deposited in the bureau's local account and expended solely on the promotional project. Funds shall not be refunded to a local entity unless the bureau is unable to comply with the contractual agreement.

"Department" - Department means the Department of Commerce and Community Affairs.

"Department Logo" - Form of recognition as stipulated and supplied by the Department to identify promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" - Director means the Director of the Department of Commerce and Community Affairs.

"Fiscal Year" - Fiscal Year means July 1 through June 30, the fiscal year of the State of Illinois.

"Grant Document" - Grant document means a written and signed contractual document between a local tourism and convention bureau and the Department of Commerce and Community Affairs which includes a description of the activities to be performed, budget, and all terms and conditions of the contract.

"Grantee" - Grantee means a local tourism and convention bureau receiving Local Tourism and Convention Program funds from the Department.

"In-Kind Contributions" - Donated services, donated space, donated equipment, services of volunteers, services in lieu of cash or any non-monetary item.

"Local Tourism and Convention Bureau (LTCB)" - Local tourism and convention bureau means a not-for-profit organization or public agency which represents and serves one or more municipalities or counties, and whose activities are consistent with the purpose of the Act. The LTCB shall promote tourism and increase hotel-motel revenues and employ a full-time paid professional executive director/chief executive officer that devotes at least 35 hours per week to the development and growth of tourism within the Bureau's region. The LTCB shall be located within any one of the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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municipalities or counties served.

"Match" - Match means bureaus' local funds that do not include in-kind contributions (see Section 550.50(d)).

"Municipality" - Municipality means a city, village or incorporated town.

"Pass-Through Funds" - Money received by a bureau from a local entity for the sole purpose of paying expenses incurred by that entity and for which there is no financial contribution provided by the bureau to improve the entity's project.

"Population Served" - Population served means the population of the units of local government which the local tourism and convention bureau serves according to the latest certified census figures.

"Program" - Program means the Local Tourism and Convention Bureau Program.

"Project" - Project means administrative and promotional activities which are described ~~by the applicant in the application and are~~ approved and funded by the Department.

"Promotional Activities Projects" - Promotional activities projects means activities which are designed to encourage overnight visits or visitors to and through Illinois or attendance at local events in accordance with Section 550.40.

"Travel/Trade Show" - An exhibit/market place of travel related products and/or services.

"Unit of Local Government" - Unit of Local Government means county(ies), municipality(ies), and township(s) having authority to enact laws and ordinances, administer laws and ordinances, raise taxes or expend funds.

(Source: Amended at 16 Ill. Reg. ____, effective ____.)

Section 550.30 Permits-for Allocation of Appropriations to Grantees

In accordance with the Act, annual appropriations made by the General Assembly to the Department for the purpose of this program are allocated as follows:

- a) 1/3 of such monies shall be used for grants to local convention and tourism bureaus located within the corporate boundaries of cities with a population greater than 500,000; and

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information contained within material produced with grant funds.

All printed projects that are funded through LTCB grant funds shall be available on a gratis basis - free of charge - to the public.

Bureaus shall allow a minimum of 15 working days prior to initiation of a project, for review and notification. The project review request shall include the following information:

- A) grant number;
- B) date submitted;
- C) fiscal year;
- D) project number;
- E) bureau name;

project title/description -- (e.g., -- number -- to -- be printed, -- location -- of -- ad -- placements, -- dates -- and locations of conferences/events);

description;

amount-of-state-funds-and-local-funds-which-comprise estimated-project-cost;

vendor names(s), description of services to be provided by vendor(s), and itemized costs;

estimated project cost, amount of LTCB funds, amount of local funds, total estimated project cost;

anticipated initiation and completion dates;

check-off list for the following:

iH) evidence of bid solicitation (where applicable) when the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$2500;

ii) mock-ups or samples of projects;

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2/3 of the annual appropriation shall be used for grants to bureaus located in the remainder of the State. Those funds will be distributed based on the following formula: Bureau's Share

-----Be-----Dispersed-----x-----1/4-----{Bureau's
-----Bettars-----to-----Bureau-----+-----Bureau's
Population-----of-----All-----Bureau-----+-----Bureau's
Eating-----and-----Drinking-----Place-----Sales-----Tax-----Total-----Eating-----and
Brinking-----Place-----Sales-----+-----Bureau's-----Number-----of
Hotel-----Rooms-----Hotel-----Hotel-----Rooms-----of-----All
Bureau-----State-----Hotel-----Hotel-----Tax-----Total-----State-----Hotel-----Hotel
Tax-----of-----All-----Bureau-----} a formula containing the following weighted
factors: 5% population of the bureau service area; 30%
food/beverage tax collected in the bureau service area; and 65%
State's hotel/motel tax collected in the bureau service area.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 550.40 Program Requirements

a) Prior Project Approval Criteria

1) Project costs shall be deducted from future grant payments when bureau fails to submit project review requests for prior approval three times during the program year.

12) All projects/expenditures utilizing LTCB grant funds must be submitted to the LTCB grant manager Department for review and approval prior to project initiation. Bureaus must allow a minimum of 30 days prior to initiation of a project, for review and notification. The project review request must include the following information:

2) When the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$2500, a minimum of two bids using identical specifications shall accompany the project request.

3) All projects funded through the grant program shall incorporate the current Department logo, as approved by the Department, which identifies the project as being developed in cooperation with the DCCA/Bureau of Tourism. A bureau which fails to include the Department identification shall reimburse the Department for State funds received in support of the project.

4) The date and quantity printed (e.g. 7/91-50/m) shall appear on brochures.

5) The bureau shall bear sole responsibility for accuracy of

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iii) Department logo:

ivk) whether project was is outlined in initial marketing plan LTCB "Line Item Budget";

v) review, approval, and sign-off.

b) whether project - duplicates - an - existing - project - in bureau's - service - area;

m) targeted - audience - for - project;

n) radius - of - targeted - audience - for - project;

o) method - of - distributing - project; - and

p) signature, - title, - and - date.

83) If the project review request form is complete and is accompanied by the required supporting documentation, including current Department logo, and if the project is determined to be an eligible project promotional activity and includes the current Department logo, the project will be approved, subject to fund availability.

9) Project costs shall be deducted from future grant payments when bureaus fail three times to submit project review requests for prior approval during the program year.

10) Within 30 days of completion of a project, 10% of the brochures printed shall be sent to the Bureau of Tourism warehouse located in Springfield. The Department reserves the right to request 10% of all other items produced with grant funds.

11) Project activities funded under this Part shall not duplicate any activity funded by the Tourism Matching Grant Program (14 Ill. Adm. Code 510, Subpart A).

12) Salaries and related payroll expenses for the program year shall not exceed half of the total grant funds.

A) 100% sales/promotion staff persons salary may be applied toward half of the total grant.

B) 50% executive director's salary may be applied toward half of the total grant.

13) Bureaus are prohibited from hiring any immediate family

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member of its current staff utilizing funds under this Part. Immediate family members shall include a spouse, mother, father, daughter, and son.

b) Promotional Activities: Projects

1) Examples of eligible promotional activities projects include, but are not limited to:

A) Brochures / posters;

B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or travel expenses (transportation, lodging, per diem at state rate) for a maximum of 2 staff; to-attend-travel/trade-show. Justification shall accompany requests for additional people to attend;

C) Sponsorship of travel - writers - and familiarization tours;

D) Placement and production costs of Advertising-through newspaper, magazine, radio, or television advertising to promote travel. Advertising shall be placed outside a 65-mile radius of the attraction, event or area being promoted unless a major market (e.g. Chicago, St. Louis) falls within the 65-mile radius;

E) Membership dues for travel tourism related associations or organizations;

F) Registration-----fees-----for-----tourism-related conferences/seminars;

FG) Billboards;

GH) Premiums/ Bumper-stickers; placements; or any type-of specialty items for promotional purposes with Department recognition (see subsection (c) (a)(3));

HI) Production of videos for use in familiarization or travel/trade industry; and

I) Salaries (see subsection (a)(12));

J) Posters and flyers distributed outside of service area;

K) Sales/promotional-staff-person---not-to-be-over-1/2

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grant funds:

K) Marketing research studies in relation to advertising;

L) "800" telephone lines for information.

2) Examples of projects ineligible for grant promotional funding include, but are not limited to:

A) Any type of photocopied xeroxed materials;

B) Projects-containing-paid-advertising;

BE) Any administrative expenses (stationery, envelopes, postage, insurance, audits, accounting services, phone, rent, supplies, personnel or equipment);

CE) Purchase of any alcoholic beverage;

DE) Feasibility studies;

E) Salaries of administrative or support staff.

c) Administrative Activities

1) Examples of activities eligible for grant administrative funding include, but are not limited to:

A) Any administrative expenses (postage, insurance, audits, accounting services, phone, rent, supplies, or equipment);

B) Salaries of administrative or support staff.

2) Examples of activities ineligible for grant administrative funding include, but are not limited to:

A) Lease/purchase agreements for any items;

B) Purchase of equipment;

C) Purchase of any alcoholic beverage;

D) Feasibility studies;

E) Penalties, fines, late payment fees or interest charges.

c) Department-Reconition:--All-projects-funded-through-the-grant-program--must--incorporate--the--current--Department--logo--which identifies-the-project-as-being-developed-in-cooperation-with-the BECA/Bureau-of-Tourism--A-bureau-which-fails-to-include-the Department-identification-(in-its-entirety)-must-reimburse-the Department-for-State-funds-received-in-support-of-the-project;

da) All project activities promotional activities shall be subject to prior approval as stated under subsection (a).

d) Within-60-days-of-completion-of-a-project;-proof-of-performance (i.e.;-copies-of-vendor-invoices;-tear-sheets;-and-cancelled checks;-both--front--and--back)--must--be--submitted--to--the Department's-IFEB-grant-manager-along-with-10%-of-all-printed material-produced-with-grant-funds.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 550.50 Administrative Requirements

a) Grant Limitation: No bureau shall receive a grant for funds allocated in accordance with Section 550.30(b) in excess of \$425,000 \$350,000 per fiscal year. A bureau may contact the Department for information regarding the amount of funds it is eligible to receive in accordance with Section 550.30.

b) Administrative Costs: Administrative costs shall be limited to not more than 10% of the grant funds (see Section 550.40 (c)). Administrative costs shall include general overhead costs such as office space, utilities, office supplies, equipment lease/rental, and salaries of administrative or support staff.

c) Promotional Costs: Promotional costs shall be limited to not less than 90% of the grant funds (see Section 550.40(b)).

d) Matching Funds: Each bureau shall provide a dollar-for-dollar match for funds received under this program. Match expenditures shall equal or exceed grant funds expended. Bureaus must receive prior Department approval (see Section 550.40(a)) on contractual cooperative promotional project agreements used to satisfy match requirements. In-kind contributions will shall not be used to satisfy match requirements.

1) Local match shall:

A) be under the control of the bureau,

B) be identified in the bureau's grant application for the applicable fiscal year,

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- C) be expended during the applicable grant award period,
 - D) be supported by records of deposit and documentation of expenditures,
 - E) be expended by the bureau from funds in bureau accounts solely for the administration of the bureau and tourism promotion of their service area as a destination for overnight visitors, and
 - F) not be refunded to any local source of match and still qualify as match.
- 2) Sources of Eligible Match: The following monies, when received through a bureau's budget, may be used as match for state grant funds:

- A) Local hotel/motel taxes,
- B) membership dues,
- C) interest on local monies, and
- D) cash contributions.

3) Ineligible Match:

- A) In-Kind contributions such as donated services, donated space, donated equipment, services of volunteers, services in lieu of cash, or any non-monetary item;
- B) State or federal funds;
- C) Monies used as match for other state or federal grants;
- D) Penalties, fines, service-charges; late payment fees, or interest charges; and
- E) Pass-through accounts.

e) Method of Compensation: Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.

- 1) The bureau shall receive grant funds, as stipulated in the grant document, upon approval of its application by the Department and signature of the grant document by the

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Executive Director of the bureau and by the Department.

- 2) Prior to funds being awarded, a bureau shall employ a full-time paid, professional Executive Director, devoting at least 35 hours per week to the development and growth of tourism within a bureau's region must-be-in-place-prior to-funds-being-awarded.
 - 3) All-grant-funds--shall--be--obligated,--(with--respective vendor);-prior-to-June-30-of-the-current-fiscal-year--An overpayment-of-grant-funds-(unobligated-funds)-shall-be refunded-to-the-Department;-by-August-15;-in-addition;-the bureau-shall-repay-the-Department-for-any-funds-that-are determined---by---the---Department---through---monitoring (subsection(i)-below)-and-audit-(subsection(k)-below)-to have-been-spent-in-violation-of-the-grant-document.
 - 4) All-obligations-shall-be-expended-prior-to-September-30:
- f) Reporting Requirements: The penalty for failure to comply with the timely submission of financial, and programmatic,--and personnel--activity reports (described in subsections (f)(1) through and (23)) shall be the withholding of subsequent monthly grant checks until all required reports are filed. The Department reserves the right to request additional information to clarify or document information on financial, programmatic, or personnel activities outlined in the reports.

- 1) Financial Reporting - Quarterly financial status reports shall be due no later than the 30th day of October, January, April and July beginning with the quarter following the effective date of the project and a lapse report shall be due September 15th. The quarterly and lapse financial reports shall specify the grant number, grantee name, grant period, report period, report-preparer, contact-person's-name-and-phone-number;-date;-and-signature of-bureau-director bureau director's name/signature, and date. Additionally, the quarterly and lapse financial reports shall contain the following information which must be broken down between programmatic costs (to be at least 90% of grant total), administrative costs (not to exceed 10% of grant total), and match costs:

A) Expenditure line-item breakout for State promotional costs indicating applicable report period which includes check number(s), project number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total promotional grant cost(s) expended for the report period.

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- room nights;
- B) Motorcoach- total number of room nights, total number of overnight tours, and total number of day tours;
- C) Trade shows- total number of room nights, total number of attendees;
- D) Special events- total number of room nights, total number of attendees;
- E) Visitors information- total number of requests for visitors information.

32) Programmatic Reporting - Final Quarterly Programmatic reports shall be due September 15th according to the same schedule specified in subsection (f)(1) for both state and match funds. Final programmatic reports shall be due in the Department no later than September 30th. Quarterly and final reports use the same form: Bureau name, grant period, name/title/signature of bureau staff, person submitting report, grant number, and date submitted and indicator for quarterly/final report period shall be specified. Additionally, forms require program activities Activity funded through the local match budget (dollar for dollar match only) does not have to be broken out by project type. The report for local match activity shall provide the grant award amount, project(s) description(s), costs per project, total costs, and results of the project(s). Activity for LTCB-funded projects shall be reported broken down by project type as follows:

- A) Convention Marketing and Promotion
- i) Project description(s).
 - ii) Costs per project.
 - iii) Results.
- B) Trade/Travel Shows Marketing and Promotion
- i) Project description(s).
 - ii) Costs per project.
 - iii) Results.
- C) Motorcoach Marketing and Promotion

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- B) Expenditure line-item breakout for State administrative costs indicating applicable report period which includes check number(s), project number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total administrative grant costs expended for the report period.
- C) Expenditure line-item breakout for local costs indicating applicable report period which includes check number(s), payee(s), description(s) of purchase(s)/service(s), amount of check(s), and total local cost(s) expended.
- D) Expenditure Summary which includes vendor name(s), description(s) of services, estimated cost(s), actual cost(s), cancelled check number(s), and total(s) for all actual cost(s) and estimated cost(s) listed.
- E) Reimbursement Summary indicating report period which includes check number(s), project number(s), check amount(s), reimbursement amount(s), cumulative balance, as well as totals for all figures.
- F) Personnel activity information for personnel paid with LTCB grant funds which shall include: bureau name; grant number; employee name, payroll title, and signature; time period covered; supervisor's signature as approval; employee hourly rate; actual hours or percent of time spent on each activity; and total hours or percent of time paid from LTCB grant funds.

- A) Approved budget amount;
- B) Grant funds received during the report period;
- C) Expenditures for the report period (both state and match); and
- B) Cumulative expenditures (total of grant expenditures from previous reports; plus expenditures for current grant period);
- 2) Performance Measurements Summaries shall be submitted with quarterly reports and shall contain the following information:
- A) Conventions- total number of delegates and number of

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- i) Project description(s).
- ii) Costs per project.
- iii) Results.

D) Sales/Marketing Personnel

- i) Project description(s).
- ii) Costs per project.
- iii) Results.

E) Festivals/Special Events Marketing and Promotions

- i) Project description(s).
- ii) Costs per project.
- iii) Results.

F) Miscellaneous Projects

- i) Project description(s).
- ii) Costs per project.
- iii) Results.

A) Printed-(e-g:-brochures,-posters)-including:

- i) Project-name.
- ii) Brief-description-of-the-project.
- iii) Number-of-printed-items.
- iv) Cost-of-production/printing.
- v) Distribution-network;-and
- vi) Project-results-(documented/anticipated);-

B) Printed-Media-Advertising-including:

- i) Name-(e-g:-newspaper/magazine);
- ii) Brief-description-of-ad-subject;

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- iii) Number-of-times-run;
- iv) Cost-of-production/placement;
- v) Distribution-network-(circulation);-and
- vi) Project-results-(documented/anticipated);-

C) Electronic-Media-Advertising-including:

- i) Name-(e-g:-call-letters)/location;
- ii) Brief-description-of-project;
- iii) Number-of-times-aired;
- iv) Cost-of-production/placement;
- v) Distribution-network;-and
- vi) Project-results-(documented/anticipated);-

B) Travel/Trade-Shows-or-Conventions/Seminars-including:

- i) Show-or-convention/seminar-name;
- ii) Brief-----description-----of-----show-----or-convention/seminar;
- iii) Number-of-persons-attending-(bureau-personnel);
- iv) Expenses-(including-registration-and-travel);-and
- v) Project-results-(documented/anticipated);-

E) Memberships-including:

- i) Organization-name;
- ii) Brief-description-of-organization;
- iii) Name-of-designated-member(s);
- iv) Membership-dues;-and
- v) Benefits-derived-(documented/anticipated);-

F) Sales/Marketing-Personnel-including:

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- i) name;
- ii) title;
- iii) number-of-contacts-made;
- iv) means--by--which--contacts--were--made--(e-g: telephone; personal; direct-mail);-and
- v) results--(documented/anticipated);-

g) Financial Management Standards: A bureau's financial management systems shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (1211 Avenue of the Americas, New York, N.Y. 10036-8775) September 19, 1987 with no later amendments or editions. The bureau shall be accountable for all funds received under this program. The bureau shall maintain effective control and accountability over all funds, equipment, property, and other assets under the grant as required by the Department. The bureau shall keep records which detail the expenditures of grant and match funds and accurately document such expenditures.

h) Travel Expenses: Costs in accordance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800) shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by employees who are in travel status for official business outside the bureau's service area. The bureau shall retain receipts as source documentation for travel expenses of its employees. The bureau shall also submit to the Department a completed report for travel expenses with the quarterly reports.

i) Monitoring: The Department shall on-site monitor each bureau funded under this program periodically by visits throughout the period covered under the grant agreement. The Department will notify the bureau in writing or by telephone at least two working days in advance of monitoring visits. The bureau's marketing plan shall be evaluated for compliance with terms and conditions of the grant document. The Department reserves the right to request additional information prior to or during monitoring visits.

j) Interest on Grant Funds: All interest earned on LTCB grant funds held by the Bureau under the grant shall be returned to the Department at the end of the grant period.

k) Obligation of Grant Funds: All grant funds shall be obligated with respective vendor(s) prior to June 30th of the current fiscal year. Any overpayment of grant funds not obligated (unobligated funds) shall be refunded to the Department by August 15th. In addition, the bureau shall repay the Department for any

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- i) name;
- ii) title;
- iii) number-of-contacts-made;
- iv) means--by--which--contacts--were--made--(e-g: telephone; personal; direct-mail);-and
- v) results--(documented/anticipated);-

g) Miscellaneous-Projects--(e-g: billboards; speciality items; familiarization-tours)--including:

- i) project-name;
- ii) brief-description-of-project;
- iii) number-of-items-produced/people-attending;
- iv) itemized-cost-of-project;
- v) distribution-network;-and
- vi) results--(documented/anticipated);-

h) Additional---Optional---Comments:---inclusion---of additional narrative which the bureau feels may be beneficial to the program.

3) Personnel-Activity-Reporting---Personnel-reports-must-be completed-for-each-pay-period-and-submitted-on-the provided-form, according-to-the-schedule-specified-in subsection(i)-(j)---Only-personnel-paid-with-LTCB-grant funds-shall-be-included-on-this-form---the-quarterly personnel-activity-reports-must-include-the-following information:

- A) Bureau-name;
- B) Employee-name;-social-security-number;-and-signature;
- C) Time-period-covered;
- D) Supervisor's-signature-as-approval;
- E) Employee-hourly-rate;
- F) Actual-hours-or-percent-of-time-spent-on-each

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funds that are determined by the Department through monitoring (subsection (1)) and audit (subsection (1)) to have been spent in violation of the grant document. All obligations shall be expended prior to August 31st.

- 1k) Audits: The bureau shall conduct an audit of all grant and match program records which reflect the actual activities conducted and the actual costs and expenses incurred by the bureau using an independent certified public accountant, licensed by authority of the State of Illinois. The audit shall be conducted in accordance with generally accepted auditing standards adopted by the Codification of Statements on Auditing Standards (January 1983) of the AICPA and must shall be submitted to the Department within twelve months of the end of the grantee's fiscal year. Any bureau determined to have misused program funds by fraud and abuse, noncompliance with this Part, noncompliance with terms and conditions of grant document as a result of an audit shall be ineligible to apply for and receive funds under this program for a period not to exceed two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.

- mi) Nondiscrimination: The Bureaus shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, pars. 1-101 et seq.); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); the Age Discrimination Act of 1975 (42 U.S.C. 6106-6107); and Title VI of the Civil Rights Act of 1964 (24 CFR 1).

- nm) Complaint Process: In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

- n) Nonduplication: --Project activities - funded - under - this - program shall - not - duplicate - any - activity - funded - by - the - Tourism - matching grant - program - (14 - Ill. - Adm. - Code - 510)-

- o) Bids Solicitation: When the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department, exceeds \$2500, a minimum of two bids using identical specifications shall accompany the project request. Bureaus shall attempt to obtain the lowest bid in implementation of their promotional activities. -- All purchases, printing and other services in excess of \$2,500.00, acquired with HCB grant funds, shall be based on the lowest of two or more bids obtained through open bidding. -- Evidence of compliance with this subsection (i.e. copies of at least two bid proposals) shall be

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submitted with project approval request. For any purchasing and/or printing costs where the lowest bid is not accepted, documentation (e.g., project specifications and quality requirements) shall be submitted with project approval request.

- p) Bid Rigging/Rotating: The Bureaus shall certify that it has they have not been barred from bidding on or receiving State contracts as a result of illegal bid rigging or bid rotating as defined in Sections 33E-3 and 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, pars. 33E-3 and 33E-4).

- q) Separate Account: A separate interest bearing bank account shall be established for the purpose of this program. Two authorizing signatures shall be required for the account. Only grant funds received under this program shall be deposited in this account unless local funds are deposited in the account to maintain a minimum balance to avoid finance charges.

- r) Suspension and Termination:

- 1) If a bureau has failed to comply with the terms and conditions of the grant document, the Department shall suspend the grant and withhold further payments until the grant is terminated, or the bureau has achieved compliance. The Department will determine that a bureau has failed to comply with the terms and conditions of a grant when:

- A) The bureau has been notified in writing of the existence of circumstances which the Department considers to be inconsistent with the terms and conditions of the grant (e.g., consistent failure to submit required reports or evidence of fraud and abuse); and

- B) The bureau fails to develop, submit, and implement a corrective action plan within 45 days of the Department's notice.

- 2) A grant shall be terminated in the absence of full state funding; if the Department determines that the bureau has failed to comply with the terms and conditions of the grant in whole or in part; or if the Department and the bureau agree to terminate the grant.

- s) Hiring of Staff: -- Up to 1/2 of the grant funds received under this program may be used for the hiring of staff to conduct promotional activities. -- The bureau is prohibited from hiring any immediate family member of its current staff utilizing funds under this program. -- immediate family members shall include a

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writing; at least ten (10) days prior to the awarding of a contract for work to be performed by said corporation, partnership or association; the officer, employee or member of the governing body of the bureau so affected shall remove him or herself from the room during any discussion, deliberation, or voting in connection with the awarding of such a contract.

u) Conflict of Interest:

1) The bureau shall certify that no person who in any manner governs, advises, consults with, is employed by, is an officer of, or is an elected or appointed official of the bureau, or any governing board or entity of the bureau, nor any husband, wife, or minor child of that person, shall be in any manner interested, either directly or indirectly, in any contract or work awarded by the bureau unless the following requirements are met:

A) The bureau notifies the Department, in writing, of the nature of the conflict of interest and receives written notification of approval from the Department to proceed with the process of bidding or letting of the contract. The Department shall approve if the bureau demonstrates that the best interest of the State outweighs the conflict of interest at issue, and

B) The bureau discloses, for the record, the existence of the conflict of interest at any meeting held to consider the acceptance of bids or letting of contracts; the interested person abstains from discussing, voting on, or influencing the acceptance of bids or letting of contracts, and removes himself or herself from the meeting room during the time the bids or contracts are discussed and voted upon.

2) Violations of this provision shall result in suspension or revocation of the grant, or both, and reimbursement to the Department by the bureau of grant funds. Violators shall also be criminally liable under other applicable State laws and subject to actions up to and including felony prosecution.

(Source: Amended at 16 Ill. Reg. ____, effective _____)

Section 550.60 Application Process

a) The application procedure consists of a three-step process:

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spouse, mother, father, daughter, and son:

st) Reallocation of Funds: The grantee shall be required to identify that amount of its grant funds which will not be fully obligated by the end of the fiscal year, on or before May 1 of the current fiscal year. The grant document shall be decreased by the specified amount and such funds shall be reallocated by the Department to grantees who apply for (see application procedures specified in Section 550.60(d)) and can utilize available funds by the end of the fiscal year for new promotional projects.

tu) Bribery: The bureau's executive director/chief executive officer certifies to the best of his/her knowledge that no official, agent, or employee of the grantee has been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any such officer, agent, or employee made an admission of guilt of such conduct which is a matter of record.

v) Personal-Profit-Statement-of-Public-Officials-and-Employees

The following contracting requirements shall be observed by the bureaus:

1) For local government bureaus: no officer or employee of the bureau; no member of its governing body; and no other public official (i.e., mayor, county board chairman, city manager) of the locality in which the program objectives will be carried out; who exercise any function or responsibility in the review or approval of the undertaking or carrying out of such objectives shall:

A) take part in the discussion, deliberation, awarding, or cancellation of any contract negotiated under this grant program which will result in any personal financial profit for the individual or for any corporation, partnership, or association with which he/she is associated (i.e., holds any stock or is a full or partial owner); or

B) receives any personal financial profit from such contract or from the work to be performed under such contract.

2) For nongovernmental bureaus: any such personal financial profit (as described in subsection (b)) for an employee of the bureau, a member of its governing body, or an officer in the corporation, partnership, or association is permissible, provided the Department is notified, in

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- 1) Public notification by the Department of the amount of funds available for the LTCB program.
- 2) A request for certification.
- 3) An application for grant funds.
- b) Each year on or about January 1, the Department shall publish, three separate times, with the first and last notification 10 days apart, in the official state newspaper, a notification which includes the following:
 - 1) Amount of funds available under the LTCB program as of July 1.
 - 2) That applicants must contact the Department to obtain criteria for certification under the Act.
 - 3) That applicants must submit a request by March 31 for certification by the Department as the entity entitled to receive those funds under the Act.

c) Certification

- 1) Any applicant seeking certification as a local tourism and convention bureau who has previously been certified through the Local Tourism and Convention Bureau Program must shall be recertified each year by the Department.

A) An applicant must shall meet the following eligibility criteria in order to be considered for certification:

- i) Have been a bureau in legal existence as of January 1, 1985, either as a unit of local government or incorporated as a not-for-profit corporation or organization (as evidenced by dated promotional materials which document that the applicant was conducting tourism promotional activities prior to January 1, 1985);
- ii) Represent one or more municipalities or counties which must be contiguous to one another; and
- iii) Employ one full-time paid professional executive director/chief executive officer that devotes all time to development and growth of

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tourism within the bureau's region.

- B) An eligible applicant must shall submit the following material to be considered for certification:
 - i) a request for certification;
 - ii) articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985, under the General Not-For-Profit Corporation Act (Ill. Rev. Stat. 1989, ch. 32, pars. 163a et seq.) or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
 - iii) a statement that it employs a full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the bureau's region, prior to receiving State grant funds;
 - iv) a statement listing the city(ies), town(s) or county(ies) in its service area, including a current ~~resolution~~ letter from the governing bodies of these entities;
 - v) a complete listing of hotel/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within its service area and the number of rooms/units in each; and
 - vi) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant.
- 2) Any applicant seeking certification as a local tourism and convention bureau who has not previously been certified through the Local Tourism and Convention Bureau Program must shall be certified by the Department.
 - A) In order to be considered for certification, an applicant must shall meet the eligibility criteria specified in subsections (c)(1)(A)(i) through (iii). Additionally, in order to be eligible, their service area must shall contain at least 500 hotel/motel rooms eligible to collect the state's hotel/motel

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tax.

B) An eligible applicant ~~must~~ shall submit the following material to be considered eligible for certification:

- i) a request for certification;
- ii) a statement including a description of its history, describing previous efforts to further the growth of the State's travel industry as evidenced by documentation of previous promotional activities prior to January 1, 1985 (e.g. brochures or pamphlets used to encourage visits or visitors to and through Illinois);
- iii) a statement that it employs a full-time paid, professional executive director/chief executive officer who devotes all time to development and growth of tourism within the bureau's region prior to receiving State grant funds. This ~~should~~ shall include a summarization of his or her tourism related experience and a synopsis of his or her duties;
- iv) articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985, under the General Not-For-Profit Corporation Act (Ill. Rev. Stat. 1989, ch. 32, pars. 163a et seq.) or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
- v) a statement listing the city(ies), town(s) or county(ies) in its service area, including a current resolution from the governing bodies of these entities;
- vi) a complete listing of hotels/motels collecting the state's hotel/motel tax (including address and telephone numbers) within its service area and the number of rooms/units in each;
- vii) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant; and

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viii) documentation showing unsatisfactory representation if the proposed area of the new bureau is currently represented by an existing bureau.

3) Thirty (30) days after receipt deadline of all requests for certification under subsection (b), the Department shall send a notice to each applicant seeking certification, informing the applicant of its status.

A) When a single local bureau seeks certification and has submitted all documentation required in subsections (c)(1) and (2), such bureau shall be certified by the Department and the Department shall send notification of certification, amount of potential funds available in the respective service area, and an application for grant funds.

B) When more than one local bureau seeks certification for the same city, town or county, the Department shall send each a request for proposal (RPP). Proposals shall require the following information which shall be given equal weight in the evaluation of each proposal:

- i) bureau's background, organization, experience and staff qualifications,
 - ii) a detailed marketing plan which includes such items as a description of activities contemplated by the bureau, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and projected economic impact and benefit to tourism, and
 - iii) any marketing or feasibility studies in support of the plan.
- C) Within fifteen (15) days of receipt of the RPP's, the Department shall notify in writing each local bureau of certification determinations.
- i) The Department shall send written notification of certification, amount of potential funds available in the respective service area, and an application for grant funds to the certified bureau, and notify all other applicants of the

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determination.

- ii) A bureau which is not certified shall have the right to appeal the Department's certification decision to the Director within ten (10) calendar days after receipt of such notice. The request for review shall be submitted in writing to the Department and shall contain the reasons for appeal and any additional tourism related information the applicant chooses to submit in support of their appeal. The Director shall render a decision no later than fifteen (15) calendar days thereafter. The Director shall make his determination based upon his review of the information required by subsection (c)(3)(B) and any additional material submitted by the applicant with their appeal.

d) Application by Certified Bureaus for Funds Under the Act:

- 1) All certified bureaus shall complete an application for funding. The bureau shall retain one copy and submit three copies of the application to the Manager of the Local Tourism and Convention Bureau Program. Failure to provide any information requested in the application will result in the application not being processed. A certified bureau's application for funding under the Local Tourism and Convention Bureau Program must include the following information:

- A) Full-time local bureau executive director's name, salary, and length of employment with bureau.
B) A marketing plan detailing all activities to be initiated and funded through the LTCB grant during the fiscal year.
C) Objectives which identify actual end results to be achieved through the marketing plan within specific time frames.
D) Performance indicators and timelines which list the method of measuring objectives and time frames for completion of individual objectives.
E) Targeted geographical and demographic audiences anticipated to be reached with specific programs.

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- F) Method and location of distribution of printed promotional materials (e.g., Welcome Centers, Information Centers, direct mail, electronic media promotions, etc.).
G) Economic impact indicators addressing the anticipated economic impact of the individual objectives of the marketing plan (e.g., the percentage of the increase of both business and tourist visitors to the area).
H) Area to be served such as municipality(ies), county(ies), etc. All letters of designation from chief elected officials (e.g., mayors, city managers, county board chairpersons, etc.) must be submitted with the original application.
I) Itemized budget for activities proposed for funding under LTCB monies only.
J) Local operating budget based on state fiscal year. Only match funds shall be reflected on this form.
K) Name of the financial institution that serves as the depository for LTCB grant funds.
L) Fund account number for LTCB grant funds.
M) Two names and sample signatures for those names persons who which will be required to authorize all account transactions, with a minimum of two required. Local Tourism and Convention Bureau grant funds must be deposited in an interest bearing account.
N) Name and sample signature for individuals designated as authorized signatories for grant awards, invoice vouchers, and expenditure summary and payment request forms.

2) Upon receipt of applications from certified bureaus the Department shall review the applications and

- A) grant the full amount requested, or
B) ask for additional information to clarify or document the information contained in the application, and/or
C) reduce the amount of funds requested if there are not sufficient funds available to match the full amount, or the projects presented in the marketing plan do

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not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable and the applicant cannot effectively carry out the projects. In the event that funding of a grant request is lowered, the bureau(s) shall be entitled to appeal to the Director of the Department within 10 days. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of their appeal. The Director shall make his decision based upon the criteria previously specified in this subsection and any additional material submitted by the bureau with their appeal. The Department shall notify these bureaus in writing of its decision within 15 days of receipt of their appeal.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Service Delivery System and State Responsibilities

2) Code Citation: 56 Ill. Adm. Code 2600

3) Section Numbers: 2600.50
Proposed Action: Amendment

4) Statutory Authority: Implementing Sections 102; 105(b)(1)(E); 106(h); 108; 122(b)(3); 141(a); 164(a)(1), (b)(1), (c)(2),(d),(e)(2)(C); 165(c)(1) and (2); 204; and 205 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982 (29 U.S.C. 1501), as amended by P.L. 97-404, effective December 31, 1982 (42 U.S.C. 602); P.L. 99-496, effective October 16, 1986 (29 U.S.C. 1501); P.L. 99-570, effective October 27, 1986 (21 U.S.C. 801); and P.L. 100-418, effective August 23, 1988 (20 U.S.C. 5001)), Section 3 of the Illinois Job Training Coordinating Council Act (Ill. Rev. Stat. 1989, ch. 48, par. 2103), and 20 CFR 628-2, 629.31(b), 629.35, 629.39, 629.43(b) and 629.46 and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.40(b) and 46.42).

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is to provide in rules, a comprehensive Section on sanctions. Sanctions policies governing reporting, performance standards, program limitations, program documentation, program procurement, cash balance, cost limitations, cost allocation, cost charging, substantial segments, program and administration procedures, Private Industry Council membership, civil rights complaints, and coordination agreements are detailed. This rulemaking also provides an appeals process relative to sanctions. This information is being added in Section 2600.50 of the "Service Delivery System and State Responsibilities" rules. The Section was previously entitled "Liability" and is being renamed "Sanctions Policy". The information that was contained in the Section is being deleted, as it is now addressed in greater detail and more appropriately in 56 Ill. Adm. Code 2630.81, 2630.100, and 2630.112.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any proposed amendments pending on this Part? Yes.

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Section Numbers: Proposed Action: Illinois Register Citation:
2600.20 Amendment August 23, 1991
15 Ill. Reg. 11865

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Norman Sims, Deputy Director
Department of Commerce and Community Affairs
Bureau of Policy Development, Planning & Research
620 East Adams Street, 3rd floor
Springfield, Illinois 62701
(217) 524-4845

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 28, 1992.
- B) Types of small businesses and small municipalities affected: There will be no direct effect on small municipalities. This rulemaking provides a comprehensive sanctions policy which will affect all grantees under JTPA. Thirteen of these grantees are not-for-profits and are therefore considered to be small businesses in accordance with the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Grantees must comply with performance expectations. However, if these expectations are not met the grantee will be required to take appropriate steps to correct deficiencies or face sanctions.
- D) Types of professional skills necessary for compliance: Current JTPA grantee staff possess the necessary skills to comply with this rulemaking.

The full text of the Proposed Amendments begins on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER III: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 2600

SERVICE DELIVERY SYSTEM AND STATE RESPONSIBILITIES

Section	
2600.10	Legislative Base
2600.20	Definitions
2600.30	Illinois Job Training Coordinating Council
2600.40	Local Service Delivery System
2600.50	Liability Sanctions Policy
2600.60	Governor's Coordination and Special Services Plan
2600.70	Oversight and Management of Labor Market Information Programs
2600.80	Labor Standards

AUTHORITY: Implementing Sections 46.41 and 46.49 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.41 and 46.49), Sections 4 and 101-184 of the Job Training Partnership Act (P.L. 97-300, effective October 13, 1982 (29 U.S.C. 1501), as amended by P.L. 97-404, effective December 31, 1982 (42 U.S.C. 602); P.L. 99-496, effective October 16, 1986 (29 U.S.C. 1501); P.L. 99-570, effective October 27, 1986 (21 U.S.C. 801); and P.L. 100-418, effective August 23, 1988 (20 U.S.C. 5001)) and the Illinois Job Training Coordinating Council Act (Ill. Rev. Stat. 1989, ch. 48, pars. 2101 et seq.) and authorized by Sections 46.40(b) and 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, pars. 46.40(b) and 46.42).

SOURCE: Adopted at 8 Ill. Reg. 18073, effective September 17, 1984; amended at 9 Ill. Reg. 5591, effective April 17, 1985; amended at 9 Ill. Reg. 13068, effective August 13, 1985; amended at 10 Ill. Reg. 4795, effective March 11, 1986; emergency amendment at 10 Ill. Reg. 14830, effective August 21, 1986, for a maximum of 150 days; emergency expired January 18, 1987; amended at 11 Ill. Reg. 11653, effective June 29, 1987; emergency amendment at 13 Ill. Reg. 4028, effective March 13, 1989, for a maximum of 150 days; emergency expired August 10, 1989; amended at 13 Ill. Reg. 13839, effective August 16, 1989; amended at 13 Ill. Reg. 16417, effective October 10, 1989; amended at 15 Ill. Reg. 13102, effective August 27, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 2600.50 Liability Sanctions Policy

- a) Insurance---Pursuant to 20-CFR-629-37(c)(4)-(1983)-funds may be used--to--purchase--personal--liability--insurance--for--Private Industry-Council-members--elected-officials--staff-and-others involved-in-the-program--the-use-of-funds-for-this-purpose-is-an allowable-administrative-expense-only-to-the-extent-that-the insurance--purchased--does--not--duplicate--existing--coverage--Pursuant-to-20-CFR-629-37(c)(3)-(1983)-errors-and-omissions insurance-may-not-be-purchased-with-funds-from-the-Act-

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b) Sanctions - - - For the purpose of - 164(e)(3) - of the Act, - local governments - represented - in the Job Training Partnership Act public-private partnership, - the private industry Council grant recipients, - and administrative entity(ies) shall be held jointly and severally liable for repayment of all disallowed costs which may be incurred as a result of any violation of the Act, - federal rules - (20-EPF-626-638 - (1983)) - and state rules - (56-III-Adm-Code 2600, - 2610, - and 2630) - - - in the event that there are subgrantees in addition to grantees, each subgrantee shall be held jointly and severally liable for repayment of disallowed costs in each subgrantee's program - - Grant recipients shall include in their contracts with subgrantees language which requires subgrantees to repay disallowed costs to the Department from non-federal funds - the Department shall be authorized to impose any sanction consistent with the provisions of the Act, - federal rules - (20-EPF 626-638 - (1983)) - and state rules - (56-III-Adm-Code 2600, - 2610, - 2630) - - directly against any subgrantee - - Such sanctions shall include the disallowance of costs and the subsequent collection of disallowed costs from non-federal funds - - Upon demand by the Department, - - grantees - or - the - subgrantees - shall - repay - - the Department from non-federal funds - amounts found not to have been expended in accordance with the Act, - federal rules - (20-EPF 626-638 - (1983)) - or state rules - (56-III-Adm-Code 2600, - 2610, - 2630) - - in the event the Secretary offsets disallowed costs of the State against any other amounts to which the State is or may be entitled under the Act, - when such disallowed costs originated with a grantee or subgrantee, - the Department reserves the right to offset costs against the affected grantee or subgrantee.

In accordance with 56 Ill. Adm. Code 2630.122, the Department is held responsible for all funds under the Act. In order to carry out this responsibility, the Department shall provide for sanctions when grantees fail to comply with applicable laws, regulations, and policies. The purpose of having a sanctions policy is the same as that for having technical assistance and corrective action strategies in that the final intent is to help grantees correct performance deficiencies and/or move into compliance with a particular portion of the Act or regulations. Thus, the focus is not punitive. As long as grantees are implementing the corrective action plans approved by the Department, sanctions will be avoided. The corrective action environment is one in which the grantee negotiates with the Department on activities to be undertaken to correct performance deficiencies. In the sanctions environment, the Department takes a more forceful role in determining what actions a grantee shall take to correct problems.

a) Definitions - The following definitions are applicable to this Section:

"Indication of Problem" - The point at which a compliance problem is identified.

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"Intermediate Activity(ies)" - The initial action(s) to be taken by the State and the grantee in turn in order to rectify an identified deficiency.

"Performance Expectation" - The specific activity/performance which shall be monitored by the Department, and to which sanctions may be applied.

"Sanction(s)" - The particular action(s) which shall be taken by the Department when deficiencies remain uncorrected.

"State Intervention Authority" - Citation(s) to the Act, federal regulations, and/or state rules which provide the authority for the Department to impose sanctions for unacceptable performance in a given area.

Following are specific areas of performance which are subject to Department sanctions.

1) Reporting

A) Performance Expectation - In accordance with 56 Ill. Adm. Code 2610.130(b), grantees shall enter participant and expenditure data into the JTPA-II management information system (MIS) and direct subgrantee reporting system (DSGR) by the thirtieth day of the month following the month in which the participant transaction or expenditure occurred. Manual reports shall also be submitted by this date.

B) Indication of Problem - The following are indicative of failure to meet the performance expectation as defined in subsection (b)(1)(A):

- i) cash draws exceed reported expenditures by 5% for any month;
- ii) based on the quarterly data entry performance summary reports, less than 90% of enrollments, training and service records or termination records were entered in the JTPA-II MIS within four (4) weeks of their creation;

iii) based on manual logs, manual expenditures or participant reports, the reports are submitted late;

iv) based on comparison of close-out submission

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with DSCR's content as of July 30, there is under- or over-reporting of 10% or greater.

- C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken in an effort to redress the problem(s).

i) The Department shall notify the grantee, the Private Industry Council (PIC) and the chief elected official (CEO) in writing of the problem(s).

ii) The Department shall offer technical assistance.

iii) The grantee shall develop a corrective action plan.

iv) The Department shall monitor the grantee's implementation of the corrective action plan.

v) The Department shall measure performance to determine if the problem has been corrected.

vi) The grantee shall revise the corrective action plan if that plan has not solved the problem as determined by the Department.

- D) Implementation of Corrective Action - Timelines for implementing corrective action shall depend on the measurement cycle, which may be monthly, quarterly or annually and the nature of the corrective action plan.

E) State Intervention Authority - In accordance with Sections 164(a)(1) and (e)(2)(C) of the Act and Job Training Partnership Act (JTPA) regulations found in 20 CFR 629.35 (April 1, 1991 edition), the Department shall impose sanctions for unacceptable performance.

F) Sanctions - Sanctions shall be triggered by: failure to implement the corrective action plan and/or the repeated failure of corrective action to eliminate the problem identified. Sanctions include:

- i) withholding cash until expenditures are balanced with requests,

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- ii) revoking a portion of the administrative plan until the grantee acquires needed resources,
- iii) imposing contracting policy changes designed to encourage timely reporting by service providers.

2) Performance Standards

A) Performance Expectation - In accordance with 56 Ill. Adm. Code 2610.100(b)(3), Title IIA grant recipients shall meet or exceed three of the four core adult follow-up measures and one of the two core youth measures for the program year. In accordance with 56 Ill. Adm. Code 2525.60(f)(4), Title IIIA substate grantees (SSGs) shall meet or exceed both of the U.S. Department of Labor (USDOL) performance measures for the program year.

B) Indication of Problem - The problem is indicated by failure to meet the performance expectation as defined in subsection (b)(2)(A).

C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the steps listed in subsection (b)(1)(C)(i) through (vi) shall be taken.

D) Implementation of Corrective Action - Failure to meet performance standards in the second quarter shall initiate the corrective action plan process and performance shall be monitored on a quarterly basis. First year failure by the grantee requires a formal strategy be developed to avoid failure in the second year of the two-year plan.

E) State Intervention Authority - In accordance with Section 106(h) of the Act and JTPA regulations found in 20 CFR 629.46 (April 1, 1991 edition), the Department shall impose sanctions for unacceptable performance.

F) Sanctions - Sanctions shall be triggered by: performance standards not being met for the second consecutive year, failure to implement a corrective action plan and/or refusal to cooperate with a reorganization plan. Sanctions include:

- i) reorganization of the PIC,

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- ii) selection of a new administrative entity.
- iii) selection of a new grant recipient or SSG.
- iv). prohibition against the use or continued use of certain service providers.
- v) designation of resources to specific program interventions.
- vi) redesignation of the SDA or SSA.

3) Program Limitations

- A) Performance Expectation - Grantees shall maintain systems to ensure compliance with time limitations of participant activities in all JTPA titles and limitations in Section 108 of the Act.
- B) Indication of Problem - Violation of the program limitations cited in monitoring reports and letters or audit reports are indicative of failure to meet the performance expectation as defined in subsection (b)(3)(B).
- C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken in an effort to rectify the problem(s).
 - i) The Department shall review JTPA-II reports.
 - ii) The Department shall review audit and monitoring workpapers.
 - iii) The Department and the grantee shall meet with the local administrator.
 - iv) The Department and the grantee shall meet with the PIC Chair and CEO.
 - v) The Department shall disallow costs.
- D) Implementation of Corrective Action - Grantees shall respond to monitoring and audit reports within 30 calendar days.
- E) State Intervention Authority - In accordance with Sections 108, 204, and 205 of the Act, the Department

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shall impose sanctions for unacceptable performance.

- F) Sanctions - Sanctions shall be triggered by failure to meet specified program limitations as cited in the Act and/or failure to reimburse disallowed costs. Sanctions include:

- i) withholding cash,
- ii) deducting liability from future cash payments.

4) Program Documentation

- A) Performance Expectation - Grantees shall have adequate documentation to support proper allowability and classification of costs, proper reporting of costs, participant program eligibility and termination reasons.
- B) Indication of Problem - Lack of documentation in areas that are identified in monitoring reports or audit reports is indicative of failure to meet the performance expectation defined in subsection (b)(4)(A).
- C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken in an effort to rectify the problem(s).
 - i) The Department shall issue monitoring reports and audit reports.
 - ii) The grantee shall respond to monitoring and audit reports.
 - iii) The grantee shall develop a corrective action plan.
 - iv) The Department shall follow up on response to monitoring/audit reports.
 - v) The Department and the grantee shall meet with the local administrator.
 - vi) The Department and the grantee shall meet with the PIC Chair and CEO.
 - vii) The Department shall disallow costs.

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- D) Implementation of Corrective Action - Grantees shall respond to monitoring reports within 30 calendar days and implement corrective action within 45 calendar days after receipt of the corrective action plan.
- E) State Intervention Authority - In accordance with Sections 164(a)(1) and (b)(1) and Sections 165(c)(1) and (2) of the Act and JTPA regulations found in 20 CFR 629.35 (April 1, 1991 edition), the Department shall impose sanctions for unacceptable performance.
- F) Sanctions - Sanctions shall be triggered by failure to meet specified time limits or requirements on monitoring reports and corrective action and/or failure to reimburse disallowed costs. Sanctions include:
- i) revoking the two-year plan or part of the plan as necessary.
 - ii) withholding cash requests.
 - iii) deducting liability from future cash payments.
- 5) Program Procurement
- A) Performance Expectation - In accordance with 56 Ill. Adm. Code 2630.82, a grantee shall follow all necessary state and federal procurement policies and procedures.
- B) Indication of Problem - Violation of state and federal procurement policies and procedures as referenced is indicative of failure to meet the performance expectation defined in subsection (b)(5)(A).
- C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken in an effort to rectify the problem(s).
- i) The Department shall issue monitoring and audit reports.
 - ii) The grantee shall respond to monitoring and audit reports.
 - iii) The grantee shall develop a corrective action

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- plan.
- iv) The Department shall follow up on implementation of the corrective action plan.
 - v) The Department and the grantee shall meet with the local administrator.
 - vi) The Department and the grantee shall meet with the PIC Chair and CEO.
 - vii) The Department shall disallow costs.
- D) Implementation of Corrective Action - Grantees shall respond to monitoring reports within 30 calendar days and implement corrective action within 45 calendar days after receipt of the corrective action plan.
- E) State Intervention Authority - In accordance with Sections 164(a)(1) and (b)(1) of the Act and JTPA regulations found in 20 CFR 629.35 (April 1, 1991 edition), the Department shall impose sanctions for unacceptable performance.
- F) Sanctions - Sanctions shall be triggered by failure to meet specified time limits or requirements on monitoring reports and corrective action plans. Sanctions include:
- i) revocation of the two-year plan or part of the plan as necessary.
 - ii) withholding cash requests.
 - iii) deducting liability from future cash payments.
- 6) Cash Balance
- A) Performance Expectation - Grantees shall maintain a daily cash balance for immediate cash needs only.
- B) Indication of Problem - Cash on hand in excess of the amount determined through Department monitoring to be necessary and reasonable for immediate cash needs is indicative of failure to meet the performance expectation defined in subsection (b)(6)(A).
- C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the

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following steps shall be taken in an effort to rectify the problem(s).

- i) The Department shall review monitoring and audit reports.
- ii) The Department and the grantee shall meet with the local administrator.
- iii) The Department and the grantee shall meet with the PIC Chair and CEO.

D) Implementation of Corrective Action - Grantees shall respond within 30 calendar days to monitoring and audit reports and correct the deficiency within 45 calendar days of receipt of the corrective action plan.

E) State Intervention Authority - In accordance with Section 205 of the Act, JTPA regulations found in 20 CFR 629.31(b) (April 1, 1991 edition), and the U.S. Department of the Treasury Circular TC 1075-1 (31 CFR 205), the Department shall impose sanctions for unacceptable performance.

F) Sanctions - Sanctions shall be triggered by non-compliance with the requirements relating to cash balances within 30 calendar days of implementation of the corrective action plan, as verified by on-site monitoring of current daily cash balances. Sanctions include:

- i) justification for each cash draw,
- ii) submission of a new or revised system of forecasting cash needs,
- iii) return of excess cash.

7) Cost Limitations

A) Performance Expectation - Grantees shall maintain compliance with program cost limitations specified in 56 Ill. Adm. Code 2630.102.

B) Indication of Problem - Audit and monitoring exceptions regarding cost categories and limitations and close-out reports are indicative of failure to meet the performance expectation defined in

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subsection (b)(7)(A).

C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken.

- i) The Department shall review monitoring and audit reports, close-out documents and tracking reports.
- ii) The Department and the grantee shall meet with the local administrator.
- iii) The Department and the grantee shall meet with the PIC Chair and CEO.
- iv) The Department shall disallow costs.

D) Implementation of Corrective Action - Grantees shall respond to the monitoring/audit reports within 30 calendar days and shall correct the deficiency within 45 calendar days of the receipt of the corrective action plan.

E) State Intervention Authority - In accordance with Section 108 of the Act and JTPA regulations found in 20 CFR 629.39 (April 1, 1991 edition), the Department shall impose sanctions for unacceptable performance.

F) Sanctions - Sanctions shall be triggered by failure to meet specified time limits or requirements and corrective action and/or failure to reimburse disallowed costs. Sanctions include:

- i) withholding cash,
- ii) deducting liability from future payments.

8) Cost Allocation

A) Performance Expectation - Grantees shall assign costs per their cost allocation formula in accordance with 56 Ill. Adm. Code 2630.111.

B) Indication of Problem - Audit and fiscal monitoring reports noting discrepancy(ies) in assigning costs as required in the cost allocation formula are indicative of failure to meet the performance expectation defined in subsection (b)(8)(A).

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- C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken.

- i) The Department shall review audit/monitoring reports.
- ii) The Department and the grantee shall meet with the local administrator.
- iii) The Department and the grantee shall meet with the PIC Chair and CEO.
- iv) The Department shall disallow costs.

- D) Implementation of Corrective Action - Grantees shall respond to the monitoring/audit reports within 30 calendar days and shall correct the deficiency within 45 calendar days of the receipt of the corrective action plan.

- E) State Intervention Authority - In accordance with 56 Ill. Adm. Code 2630.111, the Department shall impose sanctions for unacceptable performance.

- F) Sanctions - Sanctions shall be triggered by failure to meet specified time limits or requirements and corrective action and/or failure to reimburse disallowed costs. Sanctions include:

- i) withholding cash,
- ii) deducting liability from future payments.

9) Cost Charging

- A) Performance Expectation - In accordance with Subparts B and C of 56 Ill. Adm. Code 2630, grantees shall charge all costs only once and according to classifications.

- B) Indication of Problem - Audit and monitoring reports indicating problems in multiple charging of costs or charging costs to improper classifications are indicative of failure to meet the performance expectation defined in subsection (b)(9)(A).

- C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the

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following steps shall be taken.

- i) The Department shall review audit/monitoring reports.
- ii) The Department and the grantee shall meet with the local administrator.
- iii) The Department and the grantee shall meet with the PIC Chair and CEO.
- iv) The Department shall disallow costs.

- D) Implementation of Corrective Action - Grantees shall respond to monitoring/audit reports within 30 calendar days and shall correct the deficiency within 45 calendar days of the receipt of the corrective action plan.

- E) State Intervention Authority - In accordance with JTPA regulations found in 20 CFR 629 (April 1, 1991 edition) and 20 CFR 631 (April 1, 1991 edition), the Department shall impose sanctions for unacceptable performance.

- F) Sanctions - Sanctions shall be triggered by multiple charging of costs or improper classification of costs and/or failure to reimburse disallowed costs. Sanctions include:

- i) withholding cash,
- ii) deducting liability from future payments.

10) Substantial Segments

- A) Performance Expectation - Grantees shall provide employment training services and opportunities to those who can benefit and are most in need, and to the identified substantial segments of the eligible population as contracted in the two-year plan.

- B) Indication of Problem - Failure to serve substantial segments with variance greater than 15% below incidence level in eligible populations is indicative of failure to meet the performance expectation defined in subsection (b)(10)(A).

- C) Intermediate Activities - When a grantee fails to

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meet the performance expectation, one or more of the following steps shall be taken.

- i) The Department shall notify the grantee, PIC, CEO of the problem and offer technical assistance.
- ii) The Department shall require development of a corrective action plan.
- iii) The Department shall monitor implementation of the corrective action plan.
- iv) The Department shall measure performance to determine if the problem has been corrected.
- v) The grantee shall revise the corrective action plan if it has not solved the problem as determined by the Department.

D) Implementation of Corrective Action -

- i) Within 45 calendar days of the notification of deficiency, the grantee shall develop and submit a corrective action plan to the Department;
- ii) Within 1 quarter of the plan development, the grantee shall begin implementing the corrective action plan;
- iii) Within 2 quarters after implementation of the corrective action plan, if no improvement is measured, the grantee shall be required to revise the corrective action plan and obtain additional technical assistance;
- iv) Within one month of the receipt of the corrective action plan, the Department shall respond to the revised corrective action plan.

E) State Intervention Authority - In accordance with Sections 141(a) and 164(b)(1) of the Act and contracts with the Department, the Department shall impose sanctions for unacceptable performance.

F) Sanctions - Sanctions shall be triggered by failure to implement a corrective action plan and/or refusal to alter corrective action plan if no improvement is

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measured. Sanctions include:

- i) revocation of the plan or part of the plan,
- ii) prohibition from the use of certain service providers,
- iii) designation of resources to specific program interventions.

1) Program and Administration Procedures

A) Performance Expectation - Grantees shall address problems in program and administration procedures as identified in monitoring reports issued by the Department or the USDOL and audit reports.

B) Indication of Problem - Failure to respond to monitoring reports and audit reports within specified timelines and/or follow-up reviews by the Department which show that the agreed to corrective action plan was not implemented are indicative of failure to meet the performance expectation defined in subsection (b)(11)(A).

C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken.

- i) The Department shall send correspondence to the grantee to warn them of non-compliance.
- ii) The Department and the grantee shall meet with the local administrator.
- iii) The Department and the grantee shall meet with the PIC Chair and CEO.

D) Implementation of Corrective Action - Grantees shall respond to monitoring/audit reports within 30 calendar days and correct the deficiency within 45 calendar days of the receipt of the corrective action plan.

E) State Intervention Authority - In accordance with Section 164(c)(2)(d) of the Act and JTPA regulations found in 20 CFR 629.43(b) (April 1, 1991), the Department shall impose sanctions for unacceptable performance.

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F) Sanctions - Sanctions shall be triggered by failure of the grantee to respond to monitoring/audit reports and/or failure to take stipulated corrective action. Sanctions include:

- i) restriction of cash drawdowns.
- ii) revocation of the plan or a part of the plan.
- iii) reorganization of the SDA or SSA.

12) PIC Membership

A) Performance Expectation - PIC membership requirements shall be met in accordance with 56 Ill. Adm. Code 2600.40.

B) Indication of Problem - Vacancies on PICs which exist after 90 days and/or membership which falls below the guidelines as set forth in 56 Ill. Adm. Code 2600.40(e) are indicative of failure to meet the performance expectation defined in subsection (b)(12)(A).

C) Intermediate Activities - When a PIC's membership fails to meet the performance expectation, the Department shall send a letter to the PIC Chair and CEOs warning them of possible decertification.

D) Implementation of Corrective Action - The PIC has 90 calendar days after receipt of a letter from the Department warning them of possible decertification to meet requirements with an additional warning letter being issued at sixty calendar days.

E) State Intervention Authority - In accordance with Section 102 of the Act and JTPA regulations found in 20 CFR 628.2 (April 1, 1991), the Department shall impose sanctions for unacceptable performance.

F) Sanctions - Sanctions shall be triggered by failure to comply with the decertification warning letter and timelines. The Governor shall select PIC members to meet necessary requirements.

13) Civil Rights Complaints

A) Performance Expectation - In accordance with 56 Ill. Adm. Code 2610.120(c), Civil Rights Complaint Reports

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shall be completed and submitted to the Department.

B) Indication of Problem - When a grantee does not submit reports within prescribed timelines, it is indicative of failure to meet the performance expectation defined in subsection (b)(13)(A).

C) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken in an effort to rectify the problem(s).

i) The Department shall notify the grantee in writing that they shall prepare and submit a Civil Rights Complaint Report.

ii) The Department shall meet with the PIC and CEO regarding the problem and offer technical assistance.

iii) The Department shall review the summary report submitted to the Illinois Job Training Coordinating Council (IJTCC).

D) Implementation of Corrective Action - The grantee shall submit a corrective action plan within 5 calendar days following the end of the quarter and implement corrective action within 30 calendar days.

E) State Intervention Authority - In accordance with Section 164(b)(1) of the Act, the Department shall impose sanctions for unacceptable performance.

F) Sanctions - Sanctions shall be triggered by failure to prepare and submit a Civil Rights Complaint Report within prescribed timelines. The sanction is plan revocation.

14) Coordination Agreements

A) Performance Expectation - In accordance with 56 Ill. Adm. Code 2610.60 and 2610. Appendix A, the grantees/administrative entities shall negotiate and/or modify coordination agreements with mandated agents in accordance with the Governor's Coordination Criteria within specified timelines.

B) Indication of Problem - When a grantee does not reach agreement on the contents of a coordination

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agreement, resulting in failure of a signed agreement being submitted with their plan or modification, it is indicative of failure to meet the performance expectation defined in subsection (b)(14)(A).

- c) Intermediate Activities - When a grantee fails to meet the performance expectation, one or more of the following steps shall be taken.

i) For the two-year plan, if coordination agreements are not included in the preliminary plan, Department staff shall contact SDAs to determine the nature of the problem. If the problem is such that the SDA does not anticipate resolution in sufficient time for inclusion in the final plan, unless the nature of problem is routing for signatures, staff shall advise SDAs to discuss with the PIC/local elected official (LEO) and shall consult with the coordinating agent for perspective. The coordinating agent shall be advised to contact the central office of the state agency, as appropriate, to discuss the problem.

ii) The grantee shall report, in writing, to the Coordination Committee on the nature of the problem(s) and efforts to date to resolve them. The SDA/coordinating agent may submit a one page perspective briefing to the Coordination Committee if desired.

iii) If coordination agreements are not finalized by June 30th, SDA and coordinating agents' representatives involved in disagreement shall be requested to present their views at the Coordination Committee meeting at which the Coordination Committee shall attempt to provide assistance in the resolution of issue(s).

iv) The IJTCC shall act on Coordination Committee recommendations. Letters shall then be transmitted to the SDAs/coordinating agents.

- D) Implementation of Agreements - The grantee shall submit the preliminary agreements in March and the final agreement in April, biennially, in accordance with the two-year planning cycle.

- E) State Intervention Authority - In accordance with

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Sections 105(b)(1)(E) and 122(b)(3) of the Act, the Department shall impose sanctions for unacceptable performance.

- F) Sanctions - Sanctions shall be recommended by the Coordination Committee to the IJTCC which shall endorse the recommendation. Sanctions include:

- i) plan disapproval,
ii) plan revocation.

- c) Appeals - The following steps outline the general appeal process relative to sanctions.

1) The Department shall mail a letter to the grantee announcing sanctions. A copy of the letter shall be mailed to the PIC Chair and CEO.

2) The grantee has 30 working days to submit an appeal of the sanction. Informal resolution of any differences is encouraged during this time.

3) A formal hearing shall be scheduled to convene within 30 working days of the receipt of the appeal.

4) The grantee shall make every effort possible to attend the formal hearing. However, if this is not possible, a 48-hour prior notice shall be given to the Department and the hearing can be rescheduled for just cause as determined by the hearing officer. Otherwise, the formal hearing shall be held in the absence of the grantee.

5) The hearing officer's decision shall be mailed to the grantee, PIC Chair and CEO within 30 working days of the hearing.

6) Sanctions imposed because of the failure to meet performance standards for the second year may be appealed to the Secretary of the USDOL (Secretary) per Section 106(h) of the Act. Revocation of all or part of a plan because the Governor determines there is a substantial violation of a specific provision of the Act or regulations as a result of financial and compliance audits, or otherwise, may be appealed to the Secretary per Section 164(b) of the Act.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: State Administration of the Federal Community Development Block Grant Program for Small Cities

- 2) Code Citation: 47 Ill. Adm. Code 110

- 3) Section Numbers:
- | | |
|---------|-------------------------|
| 110.210 | <u>Proposed Action:</u> |
| 110.220 | New Section |
| 110.230 | New Section |
| 110.240 | New Section |
| 110.250 | New Section |
| 110.260 | New Section |
| 110.270 | New Section |
| 110.280 | New Section |
| 110.290 | New Section |
| 110.300 | New Section |
| 110.310 | New Section |
| 110.320 | New Section |
| 110.330 | New Section |
| 110.340 | New Section |
| 110.350 | New Section |
| 110.360 | New Section |

- 4) Statutory Authority: Implementing Section 104(j) of Title I of the Housing and Community Development Act of 1974 (42 U.S.C.A. 5301) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (111. Rev. Stat. 1989, ch. 127, par. 46.42).

- 5) A Complete Description of the Subjects and Issues Involved: Grantees receiving funds through the Federal Community Development Block Grant Program for Small Cities (CDAP) may use these funds to provide loans to private for-profit or not-for-profit businesses. Upon department approval, grantees may retain the principal and interest payments generated from such loans to establish a revolving loan fund (RLF). The primary objective of CDAP-funded RLFs is to carry out local economic development activities in a way that will expand economic opportunities, principally for low and moderate-income persons. This rulemaking adds provisions governing grantee operation of RLFs under CDAP. The rulemaking specifies: purpose, definitions, recapture strategy requirements, RLF administration, use of RLF funds, requirements for RLF projects, administrative costs, RLF fundability analysis, RLF loan closings, security, disbursement of RLF funds, RLF loan monitoring, recordkeeping and reporting, departmental monitoring, performance evaluation and program income subject to the Act. These new sections have been added as "SUBPART B: REVOLVING LOAN FUNDS". Therefore, existing Sections 110.10 through 110.130 have been labeled as "SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM".

- 6) Will these proposed amendments replace an emergency rule currently in

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effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Do these proposed amendments contain incorporations by reference? Yes.
- 9) Are there any proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objections: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1989, ch. 85, par. 2203).
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Norm Sims, Deputy Director
Department of Commerce and Community Affairs
Bureau of Policy Development, Planning and Research
620 East Adams Street, 3rd Floor
Springfield, Illinois 62701
(217) 524-4845

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 28, 1992.
- B) Types of small businesses and small municipalities affected: This rulemaking will affect small businesses and municipalities. By statute only local units of government of less than 50,000 population which are located in a non-entitlement area are eligible for CDAP funds. CDAP-funded RLFs make funds available to these local units of government for low-interest loans to businesses (small or large) that create or retain jobs for primarily low and moderate-income persons.
- C) Reporting, bookkeeping or other procedures required for compliance: Grantees will be required to maintain financial, programmatic and compliance records and must submit quarterly RLF status reports. They must also have: procedures in place to document each loan's eligibility and fundability, loan closing procedures and files, procedures for disbursement of RLF funds, a loan monitoring system and loan collection procedures. Businesses receiving funds through a CDAP RLF will be required to complete a loan application package and provide pertinent financial data. Additionally, they will be required to execute a loan agreement.

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- D) Types of professional skills necessary for compliance: Bookkeeping, loan and credit analysis skills, loan closing and collection knowledge are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

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TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 110

STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR SMALL CITIES

SUBPART A: COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM

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Eligible Applicants
Eligible/Ineligible Projects and Activities
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Competitive Housing Rehabilitation Component
Application Evaluation for Competitive Public Facilities and
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SUBPART B: REVOLVING LOAN FUNDS

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Purpose
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Recapture Strategy Requirements
RLF Administration
Use of RLF Funds
Requirements for RLF Projects
Administrative Costs
RLF Fundability Analysis
RLF Loan Closings
Security
Disbursement of RLF Funds
RLF Loan Monitoring
Recordkeeping and Reporting
Department Monitoring
Evaluation of Performance
Program Income Subject to the Act

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AUTHORITY: Implementing Title I of the Housing and Community Development Act of 1974 (42 U.S.C.A. 5301) and Section 46.37 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.37) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.42).

SOURCE: Adopted and codified at 7 Ill. Reg. 2972, effective March 9, 1983; amended at 7 Ill. Reg. 7898, effective June 21, 1983; amended at 8 Ill. Reg. 16250, effective August 29, 1984; amended at 9 Ill. Reg. 7117, effective May 9, 1985; amended at 9 Ill. Reg. 10702, effective June 28, 1985; amended at 10 Ill. Reg. 10093, effective May 28, 1986; amended at 12 Ill. Reg. 2254, effective January 19, 1988; amended at 15 Ill. Reg. 4410, effective March 11, 1991; amended at 16 Ill. Reg. _____, effective _____.

SUBPART B: REVOLVING LOAN FUNDS

Section 110.210 Purpose

a) The Department is responsible for the administration and management of the CDAP. For the purpose of this program, the Department establishes grants with eligible units of local government throughout the State pursuant to Subpart A of this part. Proceeds from those grants may be used to extend loans to private for-profit or not-for-profit businesses.

b) In accordance with Title I of the Housing and Community Development Act of 1974 (Act) (42 U.S.C.A. 5301), the Department may permit grantees to retain the principal and interest payments generated from these loans made through the CDAP as long as those funds are deposited into a local revolving loan fund (RLF) for economic development and the grantee has an approved recapture strategy (RLF Plan).

c) The primary objective of CDAP-funded RLFs is to enable grantees to carry out local economic development activities in a way that will expand economic opportunity, principally for low and moderate-income persons. Each RLF project shall result in private sector job creation or retention. At least 51% of such jobs shall be filled or retained by persons of low and moderate-income.

d) The purpose of this Subpart is to provide regulations relative to the administration of local RLFs funded through the CDAP.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.220 Definitions

"Administration" shall mean the management of the day to day

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operations of CDAP-funded revolving funds.

"Closed CDAP Grant" shall mean a grant for which the Department has issued a "Grantee Evaluation Report" (GER) final determination letter.

"Grantee Evaluation Report" shall mean a report summarizing grantee compliance with program objectives governing the grantee's CDAP grant. The GER shall provide:

a description of citizen participation;

a description of activities completed;

an analysis of benefit to low and moderate-income persons;

an analysis of benefit to minorities, handicapped and female heads of household; and,

a description of activities undertaken to affirmatively further fair housing.

"Low and Moderate-Income Persons" shall mean those individuals in a family whose income is less than 80% of the median income of the area (for non-metropolitan areas the non-metropolitan median income or county income shall apply, whichever is higher).

"Program Income" shall mean gross income earned by the grantee or its subrecipient directly generated from the use of CDAP funds (grants or program income). Program income includes, but is not limited to, the following:

payments of principal and interest on loans made using CDAP funds;

interest earned on CDAP funds held in a revolving fund account;

payments of principal and interest on loans made using RLF funds.

"Revolving Fund" shall mean a separate fund (with a set of accounts that are independent of CDAP or other program accounts) established for the purpose of carrying out specific activities which, in turn, generate payments to the fund for use in carrying out such activities.

(Source: Added at 16 Ill. Reg. _____, effective _____)

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Section 110.230 Recapture Strategy Requirements

As a condition of approval for releasing CDAP funds, each grantee undertaking a RLF program for local economic development shall submit for Department approval a RLF Plan pursuant to Section 110.210 (b) of this Subpart. This plan shall describe the policies and procedures governing the RLF and provide sufficient information to assure the Department that the RLF shall be administered in conformance with this Subpart. The elements listed below shall be included in the RLF Plan:

- a) RLF Goals and Objectives: A clear set of goals and objectives for the RLF shall be developed. These goals and objectives shall serve as a basis for the development of an organizational strategy and operating plan.
- b) RLF Strategy: A strategy shall be developed which describes how the RLF will achieve the stated goals and objectives. This strategy shall include:
 - 1) A description of the eligible uses of the funds.
 - 2) A description of the geographic area within which the funds will be loaned.
 - 3) A description of the RLF's targeting strategy (e.g., retention of traditional industrial base firms, start-up firms, minority and women-owned businesses). The RLF's business targeting strategy shall tie closely with its economic development goals and objectives.
 - 4) A description of how the applications will be targeting the identified strategy.
- c) RLF Management Plan: A system for effectively managing the RLF shall be developed. This system shall:
 - 1) Describe the loan decision-making process, including any advisory bodies or loan review committees.
 - 2) Identify how the RLF will be staffed. The lending staff shall have expertise in financial analysis and packaging.
 - 3) Describe how the loans will be serviced and monitored to hold the borrower accountable for receiving public benefit.
- d) Assurances: A RLF recapture strategy shall be developed which includes the following assurances:
 - 1) No more than 10% of the annual revenue to the RLF shall be

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used for administration of the RLF funds and such costs shall be documented.

- 2) Assistance provided with RLF funds shall result in at least a 51 percent benefit to low and moderate-income persons and such benefit shall be documented.
- 3) The grantee shall agree to report quarterly to the Department regarding the status of the RLF.
- 4) All changes to the recapture strategy shall be submitted to the Department for approval prior to their implementation.
- 5) The grantee shall agree to pursue legal remedy to recover delinquent loans. Legal action shall include that authorized by federal and state law, including, but not limited to, efforts to collect and pursue the interests of the RLF through bankruptcy court.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.240 RLF Administration

- a) RLFs shall have an administrative structure sufficient to carry out responsibilities for the day-to-day operations of the RLF.
- b) If the RLF administrator is not the unit of local government, a written agreement shall be executed between the grantee and its RLF administrator. The agreement shall remain in effect during the entire term of the RLF administrator. The minimum provisions that shall be included in the agreement are:
 - 1) a statement of work (with a work description and a budget, i.e. a breakdown of all fees and costs);
 - 2) requirements for the maintenance of records and reports;
 - 3) requirements for the management of the RLF;
 - 4) applicability of other program requirements;
 - 5) provisions for an annual audit of RLF funds;
 - 6) provisions for suspension and termination of the agreement; and
 - 7) policy regarding reversion of assets at the termination of the agreement.

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- c) Final authority for approving any loans made through the RLF shall remain with the chief elected official of the unit of local government, unless formally delegated by resolution and outlined in a formal agreement pursuant to subsection (b).

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.250 Use of RLF Funds

- a) RLF funds may be used to finance:

- 1) Loans that shall result in job creation or retention to for-profit or not-for-profit businesses
 - A) for fixed assets including land, buildings, machinery and equipment, including new construction or renovation of existing facilities;
 - B) to provide working capital;
 - C) to provide loan guarantees and interest supplements through the use of program income for RLF loans.
- 2) Grants to the grantee units of local government for public infrastructure improvement projects when the activities will directly result in the creation and/or retention of jobs by a specifically identified for-profit or not-for-profit business which satisfies the requirements of Section 110.280 of this Subpart.

- 3) Activities not listed in this subsection require written approval of the Department prior to final local approval.

- b) RLF funds shall not be used to:

- 1) refinance existing debts;
- 2) finance the relocation of an industry or business from one area of the State to another (exceptions require prior written approval from the Department and shall be made in those instances where a business can demonstrate that it can no longer operate in its existing location and that jobs would be lost to the State if financing is not received);
- 3) finance any activities for speculative activities or purposes;
- 4) conduct general marketing activities; or

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- 5) prepare a CDAP application.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.260 Requirements for RLF Projects

- a) Each RLF project shall create or retain at least one job for every \$10,000 of RLF investment of CDAP funds.
- b) Job creation attributable to CDAP RLF funds shall take place within twelve months of the disbursement of funds.
- c) For each RLF project that results in job creation, documentation shall be obtained and maintained, pursuant to Section 110.91 (a)(1)(A)(i) and (ii) of Subpart A, which verifies that at least 51% of these new employees benefiting from the project are low and moderate-income persons.

- d) For each RLF project that results in the retention of jobs, documentation in the form of employee income certifications shall be submitted to the Department, pursuant to Section 110.91 (a)(1)(B) of Subpart A, which verifies that a minimum of 51% of the jobs retained are held by low and moderate-income persons at the time the loan is made.

- e) A minimum leverage ratio of \$1 non-CDAP funds: \$1 CDAP RLF funds shall be obtained for each RLF project. RLF funds shall not comprise more than 50% of the financing for any project.

- f) All RLF projects shall be conducted within the geographical jurisdiction specified in the approved RLF Plan.

- g) All businesses receiving or benefiting from RLF funds shall satisfy the requirements of Section 110.91(b)(3)(A), (B) and (C) of Subpart A.

- h) Each project shall meet the eligibility requirements of Section 105 of the Act.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.270 Administrative Costs

- a) Eligible administrative costs include salaries, supplies, utilities, and similar expenses necessary for managing the RLF portfolio and implementing the RLF project. All administrative costs paid with RLF funds shall be exclusively for RLF activities.

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- b) Administrative costs may be paid from the grantee's own funds or from the RLF.
- c) Administrative costs paid from RLFs shall not exceed 10% of the income received each calendar year (e.g., loan repayments, interest earned on RLF funds).
- d) Administrative costs shall be documented (e.g., timesheets, invoices, etc.).
- e) Administrative costs charged to the RLF shall not be used for general marketing activities nor for the costs of preparing an application for a new CDAP grant from the Department.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.280 RLF Fundability Analysis

Each RLF shall have a standard RLF loan application. The RLF administrator shall conduct a review and maintain documentation for each RLF application to support that minimum program requirements have been satisfied pursuant to Sections 110.250 and 110.260 of this Subpart and fundability consistent with the following:

- a) Financial Feasibility Evaluation - The RLF applicant shall submit supporting financial data which at a minimum shall include the following information:
 - 1) A brief history of the business and past employment growth.
 - 2) Market Information on the business' products or services and identification of existing and potential major customers and competitors.
 - 3) Three years historical financial statements which consist of: a balance sheet, profit and loss statement and a reconciliation of net worth. This information shall cover three years, as well as the most recent 90 days. Accountant's notes or detailed notes, in those instances where the statement is not audited, shall be included with the statement.
 - 4) Prior three years of tax statements for those small businesses with no formal financial statements.
 - 5) Personal financial statement of each principal (proprietor, partner, officer, stockholder) owning 20 percent or greater share of the outstanding stock in the business, as well as a brief personal history statement for each.

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- 6) Projected earnings report which includes a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. Base assumptions shall also be included.
- 7) Business plan and/or market feasibility information which addresses business products or services and identifies existing and potential major customers and competitors.
- 8) Financial statements of the general partners, if a business is a limited partnership. If a business is a corporate general partner, the personal and corporate financial statements of the general partner shall be submitted.
- 9) A list of major equipment or classes of equipment to be acquired. For acquisition of new machinery and equipment, reliable vendor cost estimates shall be provided. For used machinery and equipment acquisition, an appraisal shall be provided which demonstrates that the fair market value is in line with the purchase price.
- 10) A detailed explanation of the need for and specific use of working capital. If used for inventory, a list with supporting cost estimates shall be provided.
- 11) A list of all sources of leveraging documented by written letters of commitment. Loans from financial institutions used as leverage shall indicate approval as well as the loan amount, the specified term and rate, collateral, and conditions attendant to the loan. Equity contributions shall be documented through signed letters from the benefiting business.
- 12) Documentation of the legal status of the borrower and authorization to enter into the loan, e.g., Articles of Incorporation, Secretary's Certificate, Certificate of Good Standing, etc.
- 13) A letter verifying the number of jobs to be created and/or retained, including the number to be filled by low and moderate-income persons and the specific time period over which this will occur.
- b) Determination of Need - Documentation shall be maintained by the RLF administrator to verify that the RLF application review procedures include criteria to determine if RLF funds are necessary. Such criteria shall consist of the following elements:

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- 1) Evaluation of Project Costs - All costs associated with the project shall be verified prior to making a funding determination and establishing a funding level. Third party cost estimates shall be obtained to document all project costs.
- 2) Verification of Other Funding Sources - At a minimum, the loan applicant shall show evidence, in the form of a bank commitment letter, of the level of financing that a bank will commit. This review shall also include an analysis of the private equity available to be committed to the project. All sources of funding shall be firmly committed in writing and maintained in the loan file. All units of local government with existing RLFs shall utilize all available RLF funds prior to requesting funds through CDAP.
- 3) Justification for RLF Assistance - At least one of the following requirements shall be met in order to justify RLF assistance.
 - A) The application shall demonstrate that the loan applicant can raise only a portion of the necessary financing. A financing gap must exist between verified sources and uses;
 - B) The application shall demonstrate that a business is considering multi-state location options and that RLF funds are needed to equalize cost variation between sites. Documentation shall include cost disclosures for each site under consideration; or
 - C) The application shall demonstrate that full financing is available, but the rate of return is insufficient to induce the development to proceed. The RLF administrator shall analyze the verified costs and the projected return on investment (public and private) to determine whether the return after RLF assistance is the minimum amount necessary to induce the project to proceed.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.290 RLF Loan Closings

Each grantee shall establish a loan closing process for their RLF which shall govern the negotiation and signing of the loan agreement and disbursement of the loan proceeds. This process finalizes the terms, conditions and covenants of the loan.

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- a) The grantee shall establish a standardized loan closing agenda or checklist which specifies legal and other programmatic documents required in connection with the loan (e.g., documents and attachments which support collateral, amortization schedule, budget, project description, promissory note, finalization of hiring commitments and all outside financing sources per Section 110.280(b) of this Subpart).
- b) The RLF administrator shall obtain and review a letter from the borrower's Counsel which states that the business is in compliance with all federal and state law, as applicable, and that the company has no hidden liabilities or encumbrances.
- c) A standardized loan document, including a loan agreement, promissory note and security agreement shall be developed which shall be a binding enforceable document.
- d) Documentation shall be maintained in each loan file which demonstrates that the RLF loan security interest is perfected (e.g., personal and corporate guarantees, U.C.C. filings, mortgages) and those filings shall be updated, as necessary.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.300 Security

- a) All RLF loans from units of local government to businesses shall be secured with a mortgage, security agreement, promissory note, financing statement or other assignment of rights of the assets of assisted firms.
- b) In the event it is necessary or desirable to take actions to protect or further the interests of the RLF, the grantee shall take timely actions to sell, collect, liquidate or otherwise recover loans or guarantees extended by the RLF in accordance with the legal rights of the grantee and its administrator, other lenders and the RLF borrower.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.310 Disbursement of RLF Funds

RLF administrators shall keep records showing that the invoices or other evidence of the actual costs of the borrower's expenses were verified prior to the disbursement of RLF funds. Grantees shall also assure that their disbursements are only for items approved under the agreement with the borrower. No RLF drawdown may occur until the closing date has occurred and documentation exists to release RLF funds to the business.

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(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.320 RLF Loan Monitoring

The purpose of loan monitoring is to assist businesses so they can successfully generate jobs for low and moderate-income persons and to safeguard the capital loaned out to assure availability of funds for future loans. This shall be accomplished through periodic and regular reviews and contact with business.

a) A repayment schedule shall be prepared for each loan and provided to the borrower at the loan closing. Procedures shall be established for notifying the borrower in advance of each payment date and following up on delinquent payments. A sufficient loan monitoring system shall provide for:

- 1) regular reporting;
- 2) scheduled telephone contact;
- 3) site visits;
- 4) regular loan committee review of loan status;
- 5) systematic reports and files; and
- 6) loan collection procedures.

b) Each RLF grantee or administrator shall maintain a monitoring file for each loan that includes the repayment schedule with repayment dates and amounts noted, a log of telephone calls with the date and items discussed, copies of correspondence with the borrower and progress reports.

c) The RLF grantee or administrator shall designate an individual to prepare and distribute a monthly loan status report, listing all outstanding loans and the individual payment status of each loan in a format that shall include the borrower, loan amount, date of loan, payment due date, and the rate and term of the loan. The borrower's payment status shall also be included i.e., current or late by 30 days, 60 days, etc.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.330 Recordkeeping and Reporting

a) Grantees shall maintain all records of financial, programmatic and compliance activities. All documents which are associated with a loan review process shall be maintained on file by the

grantee.

b) All grantees shall submit quarterly status reports to the Department. The January-March report shall be due no later than April 15th; the April-June report shall be due no later than July 15th; the July-September report shall be due no later than October 15th; and the October-December report shall be due no later than January 15th. Status reports shall include the following information:

- 1) Date submitted;
- 2) Name, title and telephone number of person(s) preparing report;
- 3) Report period;
- 4) Name of the unit of local government;
- 5) Name of county;
- 6) Name of assigned department compliance review staff;
- 7) For each Department-funded CDAP loan, the following:
 - A) Grant number;
 - B) Date of loan;
 - C) Initial loan amount;
 - D) Total amount to be recaptured, broken out by principal and interest;
 - E) Total amount recaptured to date, broken out by principal and interest;
 - F) Loan status (i.e., current (yes/no));
 - G) If a loan is not current, date of last payment;
 - H) A list of CDAP loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;

8) For each loan made out of the RLF, the following:

- A) Date of loan;

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- B) Name of company;
- C) Initial loan amount;
- D) Total amount to be recaptured, broken out by principal and interest;
- E) Total amount recaptured to date, broken out by principal and interest;
- F) Loan status (i.e., current (yes/no));
- G) Number of jobs created/retained per loan;
- H) Number of jobs created/retained per loan for low and moderate-income persons;
- I) Source and amount of other financing;
- J) If a loan is not current, date of last payment;
- K) A list of RLF loans in default or in bankruptcy and a full description of the current status of those loans, including collection efforts;

9) Totals for information listed in subsections (c)(7)(E), (c)(7)(C) and (c)(7)(E) shall be included in the following computation: Total CDAP loan principal recaptured plus total CDAP loan interest recaptured minus total amount of revolving loans made minus eligible infrastructure expenditures minus eligible administrative expenses plus interest earned on deposits. The formula allows the grantee to determine the total amount in their RLF. This figure shall match the balance shown on the grantee's bank statement at the end of the report period. A copy of the bank statement shall be attached to the quarterly report;

10) A copy of the amortization schedule which relates to each loan; and

11) Signature of the chief elected official for the unit of local government certifying that information contained in the report is true and correct and is supported by documentation on file at their office.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.340 Department Monitoring

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- a) The grantee shall be responsible for operating the RLF in accordance with the terms of their CDAP grant agreement(s) and their RLF Plan.
- b) The grantee shall permit any agent authorized by the Department, upon presentation of credentials to have full access to and the right to examine any documents, papers, and records of the grantee and the RLF relating to transactions of the RLF.
- c) The Department shall monitor RLF programs using on-site visits, quarterly status reports submitted by the grantee, disbursement transactions and other contacts with the grantee as necessary.
- d) Department monitoring procedures shall concentrate on loan evaluation and decision-making as well as servicing and monitoring of RLF loans. The grantee shall remain responsible for the actions, compliance and recordkeeping of its administrator. Grantee communities are responsible for establishing a system to monitor the performance of their RLF administrator.
- e) The grantee or RLF administrator shall conduct at least one on-site monitoring visit of each RLF loan recipient to verify job creation and retention, low and moderate-income benefit, documentation of expenditures, and compliance with the other terms and conditions of the loan agreement before closing out a project and shall maintain documentation of the visit.

(Source: Added at 16 Ill. Reg. _____, effective _____)
Section 110.350 Evaluation of Performance

a) The Department shall review the RLF to determine if the grantee has administered and carried out its RLF activities in conformance with the requirements and criteria outlined in Subpart B, with emphasis upon:

- 1) The requirements of Section 110.230 that there be an approved updated recapture strategy.
- 2) The requirements of Sections 110.250 and 110.270 regarding the eligible uses of RLF funds and administrative costs.
- 3) The requirements of Section 110.260 that outlines basic RLF requirements, especially Sections 110.260(c) and 110.270(d) that for each loan not less than 51% of the jobs created or retained shall benefit low and moderate-income persons.
- 4) The development and adherence to sound administrative

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(Source: Added at 16 Ill. Reg. _____, effective _____)

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principles and procedures pursuant to the requirements of Sections 110.240, 110.280 and 110.290.

5) The requirements of Sections 110.300, 110.310, and 110.320 that the RLF implement solid lending practices and strict loan follow-up. This shall be evidenced by a rate of default (i.e., loans more than 90 days in arrears) acceptable to the Department based upon the number of loans made through the RLF, the number defaulting, the underlying justification for the loan(s) (Section 110.280) and the documentation on file regarding loan follow-up, including legal action.

6) The past willingness to act on Department recommendations resulting from its periodic monitoring visits pursuant to Section 110.340.

b) With the receipt of any new economic development grant awarded under Subpart A, the Department shall evaluate the performance of an existing RLF using the criteria found in subsection (a) as a condition of retaining future loan repayments.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 110.360 Program Income Subject to the Act

a) Any program income (as defined in Section 110.220 of this Subpart) that the Department has permitted a grantee to retain and that is realized while the grantee has an open CDAP grant is subject to the requirements of the Act and 24 CFR 570.

b) Program income retained by the grantee is not subject to the Act and 24 CFR 570 under the following conditions:

1) The CDAP grant which generated the income is closed. For purposes of this Subpart, a closed project is defined in Section 110.220 of this Subpart; and

2) All concurrent CDAP grants are closed.

c) If the grantee's CDAP grant records are not sufficient to determine when program income was earned in relation to close-out of the grantees' CDAP projects, those RLF funds shall be considered subject to the Act.

d) Regardless of when the program income is earned, the RLF shall always be subject to the requirements of the approved recapture strategy and each beneficiary of funds through the RLF shall benefit at least 51% low and moderate-income persons.

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- 1) HEADING OF THE PART: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, Rabbit and Crow Hunting

- 2) CODE CITATION: 17 Ill. Adm. Code 530

- 3) SECTION NUMBERS:

530.10
530.20
530.70
530.80
530.90
530.100
530.105
530.110
530.115
530.120

PROPOSED ACTION:

Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
Amendments
New Section
Amendments

- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29) as amended by P.A. 87-0126, effective August 13, 1991.

- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This Part is being amended to change the 1992 season dates, change the possession limits, modify controlled pheasant hunting site permit requirements, modify site-specific regulations, allow hunting on an additional State site and regulate hunting by falconry at State sites.

- 6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? No

- 7) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No

- 8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No

- 9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART?
No

- 10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

- 11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule

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may be submitted in writing for a period of 30 days following publication of this notice to:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

- 12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable

THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

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TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 530
COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL
RABBIT AND CROW HUNTING

Section
530.10 Statewide General Regulations
530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30 Statewide Hungarian Partridge Regulations (Repealed)
530.40 Statewide Bobwhite Quail Regulations (Repealed)
530.50 Statewide Rabbit Regulations (Repealed)
530.60 Statewide Crow Regulations
530.70 Controlled Pheasant Hunting Sites Permit Requirements
530.80 Controlled Pheasant Hunting Regulations
530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100 Illinois Youth Pheasant Hunting Regulations
530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Various Department-Owned or -Managed Controlled Daily Drawing Pheasant Hunting Sites
530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120 Regulations for Hunting Crow at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.33, 2.6, 2.7, 2.27, 2.30, 3.5, 3.27, 3.28 and 3.29) as amended by P.A. 87-0126, effective August 13, 1991.

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendments at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg.

12796, effective July 21, 1989; emergency amendments at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendments at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendments at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 530.10 Statewide General Regulations

a) Shooting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 3.27) and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 3.28 and 3.29) are exempt from all provisions in this Part except for those pertaining to rabbit and crow in Section 530.20 and 530.60.

b) ~~To identify those hunters required to wear blaze orange during the firearm deer hunting season pursuant to Section 2.26 of the Wildlife Code (Ill. Rev. Stat. 1989, ch. 61, par. 2.26), upland game shall be defined as the following species: crow, cock pheasant, quail, Hungarian partridge, rabbit, snipe, rail and weedeek.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 530.20 Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations

a) Zones: South zone consists of all lands south of the line that follows U.S. Route 36 from the Indiana State line to Springfield, Route 29 from Springfield to Pekin and Route 9 from Pekin to Dallas City, then due west to the Mississippi River; north zone is the remainder of the State.

b) Season dates:

North (all species) - November 2, 1991 November 7, 1992 - January 17, 1993 6, 1993

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South (all species ~~but rabbit~~) - November 2, 1991
November 7, 1992 - January 5, 1992 10, 1993

~~South (rabbit)~~ - November 2, 1991 - January 12, 1992

c) Hunting hours: Sunrise until sunset.

d) Daily limit:

Cock Pheasant - 2

Bobwhite Quail - 8

Hungarian Partridge - 2

Rabbit - 4

e) Possession limit (after the ~~first~~ second day of the hunting season):

Cock Pheasant - 4 6

Bobwhite Quail - 16 20

Hungarian Partridge - 4 6

Rabbit - 8 10

f) Cock pheasant may be hunted only; hen pheasants are illegal to take or possess, except as specified on controlled hunting areas operated pursuant to Sections 1.13 or 3.27 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.13 or 3.27) or at sites listed in Section 530.105 and as provided for on designated sites in Section 530.110, and by falconry methods as described in 17 Ill. Adm. Code 1590, Falconry and the Captive Propagation of Raptors.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

a) Applicants must contact the Department of Conservation (Department or DOC) to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation. ~~Up to five reservations, but only one per applicant, may be made. Multiple reservations for the~~

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~~same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.~~

b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) ~~Any duplicate reservations will be denied and the hunter will forfeit his rights to a permit. The permit authorizes the permit holder to bring one hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:~~

Illinois Department of Conservation
Permit Office - Pheasant
2nd Floor Lincoln Tower Plaza
524 South Second St.
Springfield, Illinois 62701-1787

d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines State Fish and Wildlife Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County State Wildlife Area, ~~Mexia View State Recreation Area, Wayne Fitzgerald State Recreation Area (Rend Lake), Richland County Controlled Pheasant Hunting Area and Green River State Wildlife Area (Lee County Conservation Area).~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 530.80 Controlled Pheasant Hunting Regulations

a) The controlled hunting season is November 6 4 through December 15 13, both dates inclusive, with the following exceptions:

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- 1) All areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and November 20 and December 4, 1992.
- 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 10 8.
- 3) The controlled hunting season on the Green River State Wildlife Area (Lee County Conservation Area) is November 6 4 through November 14 Thursday before the first firearm deer season and from Wednesday following the first firearm deer season November 20 through December 13 13 and December 20 19 through and December 22 20.
- 4) The controlled hunting season on the Iroquois County State Wildlife Area is October 30 28 through November 14 Thursday before the first firearm deer season and from Wednesday following the first firearm deer season November 20 through December 6 6 and December 13 12 through and December 15 13.
- 5) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. Reservations are void after 8:00 a.m.
- 6) When daily quotas are not filled, permits shall be issued on a first-come, first-served basis until 12:00 Noon.
- 7) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession. A \$15.00 Daily Usage Stamp must be purchased at each area.
- 8) Hunters are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must also wear a back patch issued by the check station.
- 9) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started

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- hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.
- h) Non-hunters are not allowed in the field.
- i) Hunters under 16 years of age must be accompanied by an adult hunter.
- j) Pheasants only may be taken. Daily limit:
Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County State Wildlife Area, ~~Meramec View State Recreation Area~~, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Recreation Area, Des Plaines State Fish and Wildlife Area and Green River State Wildlife Area (Lee County Conservation Area).
- k) Tagging of birds.
All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.
- l) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) It shall be unlawful to hunt on a site listed in subsection (j) for the remainder of the controlled hunting season after being issued a citation for violation of the Wildlife Code (Ill. Rev. Stat. ~~1989~~1991, ch. 61, par. 2.33(g), (i), (j), (k), (n), (o), (p), (u), (x), (z), (cc) and (gg) or 17 Ill. Adm. Code 510.10(c)(4), (6), (11) and (12) and subsection 530.20(d) and subsections (d), (e), (g) and (j) of this Section, at that site. Hunters so cited may appeal the loss of hunting privileges to the site superintendent at the site where the violation(s) occurred. Hunters may also

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request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Conservation, 524 South Second Street, Springfield, IL 62706. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements

- a) Applicants must contact the Department to obtain a permit reservation (except for Sangchris Lake and Railsplitter State Park). Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation. Up to five reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.

- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangchris Lake and Railsplitter State Park) write to:

Illinois Department of Conservation
Permit Office - Pheasant
Lincoln Tower Plaza
524 South 2nd Street - Second Floor
Springfield, Illinois 62701-1787

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- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Champaign, O'Lakes State Park, Des Plaines State Fish and Wildlife Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County State Wildlife Area, Meramec View State Recreation Area, Wayne Fitzgerald (Rend Lake) State Recreation Area, Richland County Controlled Pheasant Hunting Area, Green River State Wildlife Area (Lee County Conservation Area) and Horseshoe Lake Recreation Area (Madison County).

- e) Permits for the Youth Pheasant Hunt at Sangchris Lake State Park will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applicants must be between the ages of 10-15 inclusive. Permits available after the drawing will be allocated on a first-come basis from the site office.

- f) Permits for the Youth Hunt at Railsplitter State Park and Mackinaw River State Fish & Wildlife Area will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Applicants must be between the ages of 10-15 inclusive. Permits available after the drawing will be allocated on a first-come or first-call basis from the site office.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November 10, 1991, except at Sangchris Lake State Park where the hunt will be December 7, 12, 1991, and at Railsplitter State Park where the hunt will be November 30, 1991, and at Mackinaw River State Fish & Wildlife Area where the hunt will be the first Saturday of the statewide upland season.

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 8:00 a.m. and 8:30 a.m. at Sangchris Lake and Railsplitter State Park).

- c) All hunters must be between the ages of 10 and 15

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inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Railsplitter State Park.

- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult, except at Mackinaw River State Fish & Wildlife Area where one supervisory adult per youth will be allowed hunting rights. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.

- e) Hunters and supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must also wear a back patch issued by the check station.

- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.

- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used, except at the Wayne Fitzgerald State Recreation Area where only shot shells with a shot size of No. 3 steel or smaller may be used.

- h) Daily limit.

- 1) Two pheasants of either sex at Eldon Hazlet State Park, Chain O'Lakes State Park, Iroquois County State Wildlife Area, Green River State Wildlife Area (Lee County Conservation Area), Des Plaines State Fish and Wildlife Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Recreation Area, ~~Moraine View State Recreation Area~~ and Horseshoe Lake State Recreation Area (Madison County).

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- 2) Two cock pheasant, eight quail and four rabbits, at Sangchris Lake State Park.
- 3) Two cock pheasant and four rabbits at Railsplitter State Park.
- 4) Statewide Limits, Mackinaw River State Fish & Wildlife Area

- i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake and Railsplitter State Park and Mackinaw River State Fish & Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Various Department-owned or Managed Controlled Daily Drawing Pheasant Hunting Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

- b) All hunters must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.

- c) All areas are closed to upland game hunting Mondays and Tuesdays, Christmas Day and New Year's Day and November 20 and December 4, with the following exceptions: ~~non-fee rabbit hunting is allowed every Monday and Tuesday at Ramsey Lake State Park and Site M Controlled Quail and Pheasant Hunting Area is closed to hunting on Thanksgiving Day.~~

- d) Hunting hours are 9:00 a.m. to 3:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park, Silver Springs State Park and Sand Ridge State Forest).

- e) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead or No. 3 steel or smaller may be used. Flu flu arrows only may

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be used by bow and arrow hunters.

- f) All pheasants and quail must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

- g) A drawing shall be held at the site for hunter quotas; a \$15.00 daily usage stamp is required opening date through the day following the final game bird release.

- h) When daily quotas are not filled, hunters are allowed to check in on a first-come first-served basis until 1:00 p.m.

- i) The Department shall announce by public news release the registration time and quota to be filled.

- j) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.

- k) A back patch issued at the check station must be worn while hunting.

- l) Non-hunters are not allowed in the field.

- m) Hunters must not leave the site without first checking out.

- n) ~~Pheasants of either sex may be harvested.~~ Daily Limit:

Pheasant - 2 (either sex may be harvested)
Bobwhite Quail - 8
Hungarian Partridge - 2
Rabbit - 4

- o) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close

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of the duck hunting season; hunting by falconry methods allowed from day after controlled pheasant season through the close of statewide upland game falconry season)

~~Johnson-Sauk Trail State Park~~

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours)

~~Ramsey Lake State Park~~

~~Sand Ridge State Forest~~

~~Silver Springs State Park (Hunters must check out within 15 minutes of the close of hunting hours)~~

~~Site M Controlled Quail and Daily Drawing Pheasant Hunting Area~~

~~Washington County Conservation Area~~

- p) It shall be unlawful to hunt on a site listed in subsection (o) for the remainder of the controlled hunting season after being issued a citation for violation of the Wildlife Code (Ill. Rev. Stat. 1999-1991, ch. 61, par. 2.33(g), (i), (j), (k), (n), (o), (p), (u), (x), (z), (cc) and (gg) or 17 Ill. Adm. Code 510.10(c)(4), (6), (11) and (12), subsection 530.20(d) and subsections (b), (d) and (j) of this Section, at the site. Hunters so cited may appeal the loss of hunting privileges to the site superintendent at the site where the violation(s) occurred. Hunters may also request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Conservation, 524 South Second Street, Springfield, IL 62701. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 16 Ill. Rég. _____, effective _____)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 --General Hunting and Trapping apply in this Section, unless this

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Section is more restrictive.

- b) Flu flu arrows only may be used by bow and arrow hunters.
- c) Hunters engaged in quail, rabbit, pheasant, or Hungarian partridge hunting must wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches at all Department-owned or -managed sites.
- d) The Department will announce by public news release the registration time and quota to be filled at sites where the hunter quota will be filled by drawing at the sites.
- e) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

AMAX Leased Lands

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area (season - the day after the close of the duck season - until statewide closing)

Big Bend Conservation Area

Big River State Forest (no hunting during firearm deer season)

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers-managed lands

Carlyle Lake Wildlife Management Area (no hunting in the subimpoundment area 3 days prior to and during duckwaterfowl season)

Chain O'Lakes State Park - (opens Wednesday after permit pheasant season for five consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out; daily quota filled on first-come, first-serve basis; DOC issued back patch must be worn while hunting; only

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shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area; ~~falconry hunting permitted from the Monday after the non-fee season through January 31 except closed Christmas Day; free permit required; obtain from site office; harvest must be reported by February 15 or hunting privileges for following year will be forfeited~~

Chauncey Marsh (permit required; obtain at Red Hills State Park headquarters prior to hunting; must return permit by 15 February).

Clinton Lake State Recreation Area (8:00 a.m. - 4:00 p.m.; hunters must check in and check out; DOC issued back patch must be worn while hunting; hunters surrender hunting license while hunting)

Crawford County Conservation Area

Des Plaines Fish and Wildlife Area (opens Wednesday through Sunday after permit pheasant season, and the following Wednesday through Sunday only; closed on Christmas Day and New Year's Day; 9:00 a.m. to 4:00 p.m.; check in and check out required; daily quota filled by first-come, first-serve basis; hunters must wear DOC issued back patch while hunting; hunters must check out by 4:15 p.m.; only shot size of No. 5 lead or No. 3 steel or smaller may be used; pheasants of either sex may be taken; hens must be tagged with Department tag at the check station before leaving the area)

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and West of Peppenhurst Branch only)

Ferne Clyffe State Park

Fort De Chartres Historic Site (hunting with muzzle-loading shotgun or bow and arrow only)

Fort Massac State Park

Giant City State Park

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Green River State Wildlife Area (Lee County Conservation Area) (hunting for rabbit and quail on Monday and Tuesday only during the permit pheasant season; pheasant hunting permitted two days following close of permit pheasant season; cocks only may be taken)

Hamilton County Conservation Area (8:00 a.m. to 4:00 p.m.; statewide close)

Herschel Workman Habitat Area (Vermilion County Pheasant Stamp Site) (Open only November 7, 8, 14, 22, 26, 29, December 5, 13, 19, and 25; hunters will apply to the Department of Conservation Permit Office for permit to hunt a specific day within the statewide season; permits will be allocated by a random drawing; procedures for application and drawing will be announced by news release; permits must be in possession while hunting; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring two hunting partners; permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges for this site for the following year.)

Horseshoe Lake Public Hunting Area-Alexander County (Waterfowl Permit Area closed)

I-24 Wildlife Management Area

Iroquois County State Wildlife Area (season opens two days after the pheasant permit season closes and runs for 5 consecutive days; 8:00 a.m. to 4:00 p.m.; hunters must check in and check out and wear Department issued back patch while hunting; pheasants of either sex may be taken, hen pheasants must be tagged with Department tag at the check station before leaving the area)

Johnson-Sauk Trail State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season; except closed Christmas Day, and no hunting on Mondays and Tuesdays and after November 30; (only shot size of No. 5 lead or No. 3 steel or smaller may be used))

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Jubilee College State Park (Sunrise to 4:00 p.m.)

Kaecker Sand Prairie Habitat Area (Lee County Pheasant Stamp Site) (Open only November 7, 8, 13, 15, 21, 26, 29, December 4, 6, 13, 18, 20 and 25; hunters will apply to the Department of Conservation Permit Office for permit to hunt a specific day within the statewide season; permits will be allocated by a random drawing; procedures for application and drawing will be announced by news release; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring two hunting partners; permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges for this site for the following year.)

Kankakee River State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting opens the Wednesday after the final game bird release for five consecutive days or until the end of the season, whichever comes first; closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 8:30 a.m.; hunters must check out by 3:15 p.m.; DOC back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Kaskaskia River Fish and Wildlife Area (except Doza Creek Waterfowl Management Unit closed 3 days prior to and during duck season)

Kickapoo State Park (8:00 a.m. to 4:00 p.m.; no hunting during firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 9 days 2 weekends of the season)

Kidd Lake State Natural Area

Lake Kinkaid Fish and Wildlife Area

Lake Shelbyville - Kaskaskia and West Okaw Fish and Wildlife Area (steel shot required in Fish Hook, Dunn, McGee and Jonathan Creek waterfowl management units)

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Middlefork Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.; no hunting during the firearm deer season; hunters must check in and check out and report harvest; DOC issued back patch must be worn while hunting during the first 9 days 2 weekends of the season)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25 and 26

Moraine View State Park (rabbit hunting only permitted on Mondays and Tuesdays of permit pheasant hunting season when hunters must sign in and sign out at check station, and wear DOC issued back patch; hunting for pheasant and rabbit is permitted from the day after the permit pheasant season for five consecutive days when hunters must check in and check out and wear DOC issued back patch while hunting; pheasants of either sex may be taken during this period; hen pheasants must be tagged with DOC tag at check station; hunting hours for both periods are 8:00 a.m. to 4:00 p.m.; hunting for pheasant, rabbit and quail by falconry methods permitted October 1 through two days before permit pheasant season opens and per regulations in 17 Ill. Adm. Code 1590; falconry hunters must obtain free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year Wednesday, Thursday, Friday and Saturday only from first Wednesday after opening of pheasant season to December 23; hunting hours 8:00 a.m. to 3:00 p.m. each day; daily hunter quota filled on first-come, first-served basis; hunters must check in and check out at office; no hunting during muzzle loader deer season (December 11-13, 1992)

Mt. Vernon Propagation Center (rabbit only; January 2 to season's end; daily drawing; check-in/check-out and backpatch required; maximum shot size 5 lead or 3 steel)

Panther Creek Conservation Area

Pike County Conservation Area (no hunting after November 30 in Area A no hunting after December 15 in Area C)

Mackinaw River State Fish and Wildlife Area (first 10 days of season opens the day after "Youth Hunt" for 9 consecutive days, rabbit hunting only reopens the third Saturday in December for 9 consecutive days, hunting hours 9:00 a.m. to 4:00 p.m.; daily usage quota filled by daily draw ~~and~~ first-come basis; DOC-issued back patches must be worn while hunting ~~rabbit hunting only reopens the third Saturday in December for 9 consecutive days~~)

Marseilles Fish and Wildlife Area (no hunting during firearm deer season)

Marshall State Fish and Wildlife Area (no hunting during firearm deer season)

Mazonia State Fish and Wildlife Area (opens the first day after the close of the Central Zone duck season, except closed on Monday and Tuesday; hunting hours 9:00 a.m. - 3:00 p.m.; only shot size of #5 lead or #3 steel or smaller may be used; check in and check out required; hunter quota filled by daily drawing for first five days of season; to participate in daily drawing, hunters must check in by 8:30 a.m.; DOC issued backpatch must be worn during first five days; after the first five days, hunters must sign in and sign out and report harvest; area closes at 3:30 p.m. daily; closed Christmas Day).

McLean County Pheasant Stamp Habitat Area (Open only November 7, 8, 14, 22, 26, 29, December 5, 19, and 25; hunters will apply to the Department of Conservation Permit Office for permit to hunt a specific day within the statewide season; permits will be allocated by a random drawing; procedures for application and drawing will be announced by news release; only one permit per person per year will be issued; permits must be in possession while hunting; each permit authorizes the holder to bring two hunting partners; permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges for this site for the following year.)

Mermet Conservation Area

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Pyramid State Park (8:00 a.m. to 4:00 p.m.)

Railsplitter State Park (a pheasant and rabbit hunting program will be conducted 3 days only on December 1, 7, and 8, 1991; November 29, and December 12 and 13, 1992; Railsplitter Upland Game Permits will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Permits available after the drawing will be allocated on a first-come basis from the site office. Each permittee must check in at the site office between 8:00 a.m. and 8:30 a.m. and exchange his hunting license and Railsplitter Upland Game Permit for a back patch to be worn while in the field. Hunting hours are 8:30 a.m. to 3:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 3:00 p.m. It is unlawful to hunt in restricted areas, hunting for pheasant, quail and rabbit by falconry methods will be permitted from October 1 through October 31 per regulations in 17 Ill. Adm. Code 1590, the season will close prior to October 31 upon the harvest of 10 hen pheasants; falconry hunters must sign in at the site office before hunting and sign out immediately after hunting and report their harvest)

Ramsey Lake State Park (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season; except first-come, first-served for daily hunter quota; 8:00 a.m. to 4:00 p.m.; closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Randolph County Conservation Area

Red Hills State Park (8:00 a.m. to 4:00 p.m.; statewide close)

Rend Lake Project Lands and Waters

Rockhouse Creek (Monroe County)

Saline County Conservation Area (8:00 a.m. to 4:00 p.m.)

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Sam Dale Conservation Area (8:00 a.m. to 4:00 p.m.)
 Sam Parr Fish and Wildlife Area (8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (drawing at 8:30 a.m. at site for hunter quota; hunting hours are 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season; except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used; hunting for pheasants, rabbit and quail by falconry methods will be permitted on Mondays and Tuesdays during the Controlled Quail and Pheasant program season dates per regulations in 17 Ill. Adm. Code 1590; it is unlawful to hunt by falconry methods in the vicinity of bird releases as birds are being released; falconry hunters must obtain a free permit from site office before hunting and report harvest by January 15; failure to report harvest will result in loss of hunting privileges the following year; hunters must sign out daily and report their harvest)

Sangamon County Conservation Area

Sanganois Conservation Area

Sangchris Lake State Park (a pheasant, quail and rabbit hunting program will be conducted 1 day only on December 8, 1991 13, 1992 and quail and rabbit hunting program will be conducted one day only on December 19, 1992; Sangchris Lake Upland Game Permits will be issued by a mail-in drawing at the site office. Registration procedures and hunter quota will be announced by public news release. Permits available after the drawing will be allocated on a first-come basis from the site office. Each permittee must check in at the site office between 8:00 a.m. and 8:30 a.m. and exchange their hunting license and Sangchris Lake Upland Game Permit for a back patch to be worn while in the field. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m. Rabbit hunting only will be permitted at Sangchris Lake

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State Park from December 21, 1991 to 20, 1992 through December 31 except on Christmas Day; hunter quota will be announced by public news release; daily Sangchris Lake Rabbit Hunting Permits will be issued on a first-come basis at the site office between 8:00 a.m. and 9:00 a.m. on each respective hunting day. Hunters must possess a Sangchris Lake Rabbit Hunting Permit at all times when hunting. Hunting hours are 8:30 a.m. to 4:00 p.m. Each hunter must check out and report his harvest at the hunter check station by 4:00 p.m.)

Shawnee National Forest, LaRue Scatters (sunrise - noon)

Shawnee National Forest, Oakwood Bottoms (Greentree Reservoir, west of the Big Muddy Levee, sunrise - noon during statewide waterfowl season; after waterfowl season statewide hours; steel shot only)

Silver Springs State Park (9:00 a.m. to 3:00 p.m.; non-fee hunting opens the Wednesday after the final game bird release and runs for five consecutive days except until the end of the season, whichever comes first, closed Christmas Day, New Year's Day and Mondays and Tuesdays; hunters must check in and check out; daily quota filled by drawing at 8:30 a.m.; hunters must check out by 3:15 p.m.; DOE issued back patch must be worn while hunting; non-fee hunting (pheasant and rabbit) opens and closes concurrent with the upland game season. Hunt days are Tuesday, Thursday, Saturday and Sunday, only. Site is closed on Christmas and New Years Day. Hunt hours are from 9:00 a.m. to 3:00 p.m.; hunters must check out by 3:15 p.m. For the first 6 hunt days, the hunter quota will be filled by a daily drawing held at 8:30 a.m.; on those days, a back patch will be issued which must be worn during hunting. Thereafter, the hunter quota will be first-come, first-served with daily sign in and sign out required. Only shot size of No. 5 lead or No. 3 steel or smaller may be used; hunting for pheasant, rabbit and quail by falconry methods permitted October 1 through two days before permit pheasant season opens and per regulations in 17 Ill. Adm. Code 1590; falconry hunters must obtain free permit from site office before hunting and report harvest by December 1; failure to report harvest will result

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~~in loss of hunting privileges the following year)~~

Site M - Land leased from Commonwealth Edison in Cass County (In designated areas hunting will be allowed on weekends as announced by the Department. Hunting is limited to shotgun only in these areas. ~~A hunter quota of 100 hunters is established on a first-come-first-serve basis. The hunter quota will be announced. Check in time is one-half hour before sunrise and all hunters must check in and out through the check station. Parking is permitted at designated parking areas only)~~

~~Snake Den Hollow Fish and Wildlife Area (season - the day after the close of zone goose season until the statewide closing)~~

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Ten Mile Creek State Fish and Wildlife Area (permit required; areas designated as Refuge are closed to all access during Canada Goose Season only; permits must be returned by February 15 to the District Wildlife Manager, 700B West Lafayette, P.O. Box 313, Olney, IL 62450; parking card must be displayed in windshield while hunting)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County CA (Firing Line Management Area only)

Washington County Conservation Area (drawing at site for hunter quota; 9:00 a.m. to 3:00 p.m.; non-fee hunting opens Wednesday after the final game bird release and continues until the close of the season; except closed Christmas Day, New Year's Day and Mondays and Tuesdays; only shot size of No. 5 lead or No. 3 steel or smaller may be used)

Weinberg-King State Park

Wildcat Hollow State Forest

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Witkowsky State Wildlife Area (no hunting during all firearm deer seasons as set in 17 Ill. Adm. Code 650).

- f) Statewide regulations as provided for in this Part apply at the following sites, with additional regulations in parentheses. In addition, a free permit is required, which is obtained from each site office. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at that particular site for the following year.

Eagle Creek State Park

Fox Ridge State Park

Hidden Springs State Forest (no hunting during firearm deer season)

Lake Shelbyville Eagle Creek Wildlife Management Area

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 apply in this Section, except that falconers are required to wear a cap and outer garment of solid and vivid blaze orange only during the upland game season on sites where upland game hunting is in progress.

- b) Statewide falconry regulations (17 Ill. Adm. Code 1590) apply at the following sites (exceptions are in parentheses):

AMAX Leased Lands

Mississippi River Pools 16, 17 and 18

Railsplitter State Park (hunting by falconry methods permitted from October 1 through October 31 or until 10 hen pheasants are harvested; falconers must sign in at the site office before hunting and sign out

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immediately after hunting and report their harvest.)

Sand Ridge State Forest (hunting for pheasants, rabbits and quail by falconry methods will be permitted. Falconry hunters must obtain a free permit from site office before hunting and report harvest by January 15; failure to report harvest will result in loss of hunting privileges the following year.)

Silver Springs State Park (hunting for pheasant, rabbit and quail permitted October 1 through two days before the permit pheasant season opens; falconers must obtain a free permit from site office before hunting and report harvest by December 1; failure to report harvest will result in loss of hunting privileges the following year.)

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton-Knox County Zone goose season until the close of the statewide falconry season.)

c)

Cock and hen pheasant, hungarian partridge, bobwhite quail, and rabbit may be taken at the following sites in accordance with 17 Ill. Adm. Code 1590; falconers must obtain a free permit from site office before hunting and return permit before leaving area; harvest must be reported by February 15; failure to return permit or report harvest will result in loss of hunting privileges the following year (additional site regulations are in parentheses):

Chain O'Lakes State Park (hunting permitted 8:00 a.m. to 4:00 p.m. from the Monday after the non-fee season through January 31 except closed Christmas Day; obtain permit from site office Monday through Friday 8:00 a.m. to 4:00 p.m.)

Eagle Creek State Park (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Eagle Creek Wildlife Management Area (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Moraine View State Park (hunting permitted October

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1 through two days before the pheasant season opens
Ten Mile Creek Fish and Wildlife Area (hunting
permitted from the end of the statewide firearm
seasons through January 31)

c) All hunters must make a reasonable effort to retrieve all
crippled birds. All crows taken must be removed from the
site by the hunter.

(Source: Added at 16 Ill. Reg. _____, effective
(Source: Amended at 16 Ill. Reg. _____, effective

Section 530.120 Regulations for Hunting Crow at Various
Department-Owned or -Managed Sites

a) Statewide regulations as provided for in this rule for
crow hunting apply at the following site (season dates
are in parentheses):

AMAX Leased Lands

Mississippi River Pools 16, 17, 18

Panther Creek Conservation Area

Pike County Conservation Area (July 1 through August
15)

b) Statewide regulations as provided for in this rule for
crow hunting apply, except hunting is permitted only
during the second portion of the season at the following
sites (season dates are in parentheses):

Anderson Lake Conservation Area (after Waterfowl
season closes, but not before December 15, through
March 1)

Big Bend Conservation Area (December 17 through
March 1)

Big River (December 17 through March 1)

Green River State Wildlife Area (Lee County
Conservation Area) (January 1 through March 1)

~~Silver Springs State Park (Day after state upland
game season closes, but not before December 15
through March 1, check in and check out required.
Hunters must report harvest before leaving site)~~

Trail of Tears (December 17 through March 1)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

1) HEADING OF THE PART: Duck, Goose and Coot Hunting

2) CODE CITATION: 17 Ill. Adm. Code 590

3) SECTION NUMBERS:

590.10
590.20
590.25
590.26
590.30
590.50
590.60

PROPOSED ACTION:

Amendments
Amendments
Amendments
New Section
Amendments
Amendments
Amendments

4) STATUTORY AUTHORITY: Implementing and authorizing by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED:
This Part is being amended to update federal regulation references; change wording of non-toxic shot reference; eliminate reference to non-commercial permit; change name of one goose hunting zone; update application procedures to hunting area permits; close two public hunting areas one day per week and one area two days per week; correct site names, site regulations and blind regulations.

6) WILL THIS PROPOSED RULE REPLACE AN EMERGENCY RULE CURRENTLY IN EFFECT? NO

7) DOS THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? NO

8) DO THESE PROPOSED AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? NO

9) ARE THERE ANY OTHER PROPOSED AMENDMENTS PENDING ON THIS PART? NO

10) STATEMENT OF STATEWIDE POLICY OBJECTIVES: This rule has no impact on local governments.

11) TIME, PLACE AND MANNER IN WHICH INTERESTED PERSONS MAY COMMENT ON THIS PROPOSED RULEMAKING: Comments on the proposed rule may be submitted in writing for a period of 30 days following publication of this notice to:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

12) INITIAL REGULATORY FLEXIBILITY ANALYSIS: Not applicable
THE FULL TEXT OF THE PROPOSED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 690

DUCK, GOOSE AND COOT HUNTING

Section

- 590.10 Statewide Regulations
 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting
 590.25 Illinois Youth Goose Hunting Permit Requirements
 590.26 Illinois Youth Duck Hunting Permit Requirements
 590.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites.
 590.40 Check Station Department Sites Only - Duck, Goose and Coot Hunting
 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting
 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting
 590. EXHIBIT A The Non-Toxic Shot Zones of Illinois (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code (Ill. Rev. Stat. 1989) 1991, ch. 61, pars. 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.23, 3.5, 3.6, 3.7, 3.8, and 3.10), and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11866, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11866, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendments at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendments at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendments at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendments at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendments at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendments at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendments at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendments at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendments at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. _____, effective _____.

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Section 590.10 Statewide Regulations

- a) Pursuant to Section 2.18 of the Wildlife Code (Ill. Rev. Stat. 1989) 1991, ch. 61, par. 2.18), it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 U.S.C. 703-711), the "Migratory Bird Hunting Stamp Act" (16 U.S.C. 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective September 26, 1990) (collectively referred to in this Part as federal regulations), (no incorporation in this Part includes later amendments or editions) or contrary to any State regulations made in the Wildlife Code.
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this rule, unless federal regulations are more restrictive.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20, revised as of September 26, 1990) unless the regulations in this rule are more restrictive.
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells prohibited not approved as non-toxic by federal regulations. The only shot approved as non-toxic by the U.S. Fish and Wildlife Service (50 CFR 20) is steel shot, and copper-plated or nickel-plated steel shot for which the plating represents less than 1% the shot's weight. Lead shot plated with copper, nickel, or other material does not qualify.
- e) Emergency Closure

The Department of Conservation (Department or DOC) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis.

f) Closed Areas and Refuges

- 1) Ducks - Specific habitats, geographical areas, or political land units shall be closed to hunting of specified species of ducks in compliance with federal regulations.
- 2) Geese and Refuges
 - A) Additional geographical areas or political land units shall be closed to hunting of specified species of geese in compliance with federal regulations.
 - B) Portions of the following areas are designated as waterfowl refuges and

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the refuge boundaries are posted or identified on each area posting:

- i) Horseshoe Lake Conservation Area - Alexander County (the refuge area shall be defined as all State owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the intersection of State Highway No. 3 and the Olive Branch-Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 3, thence northwesterly to intersection of Old Highway No. 3 and State Highway No. 3 and thence northwesterly along State Highway No. 3 to point of beginning at Olive Branch) (in the refuge no motors will be allowed from October 15 through December 31 and trolling motors will only be used from January 1 to March 1)
- ii) Mazonia-Braidwood State Fish and Wildlife Area
- iii) Rend Lake and Rend Lake Wildlife Management Area
- iv) Snake Den Hollow Fish and Wildlife Area (all use other than waterfowl hunting is prohibited from October 1 through the close of the Fulton-Knox County goose season)
- v) Union County Conservation Area (all fishing and boat traffic is prohibited from October 15 through March 1)
- vi) Melvin Price Lock and Dam Pool 26 (the posted area immediately south of Melvin Price Lock and Dam 26 on the Mississippi River, and including that portion of Maple Island, that is presently owned by the State of Illinois has been designated a waterfowl refuge. Discharge of firearms, hunting and off road vehicles are prohibited at all times. All boating is prohibited on waters of the refuge where posted from October 15 through April 15)
- e) Commercial Migratory Waterfowl Hunting Area Permits (Commercial and Non-Commercial)
 - 1) The holder of a permit shall forward within 30 days after the close of the season or at an earlier time as requested by the Department, a report upon forms furnished by the Department providing information on the hunting season.
 - 2) Subsection (g) shall be in accordance with Section 3.7 of the Wildlife Code.
- b) Teal Hunting Regulations are located in 17 Ill. Adm. Code 740.

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- i) When public duck blinds on State managed sites are flooded to the point that they are no longer usable, but the water level is not too high or rough to be a threat to public safety, the Department, by public announcement and posting, may permit waterfowl hunting anywhere on the area except in designated refuge areas. Any permits issued for the blinds are no longer valid and no fee to hunt the area will be charged.
- j) Waterfowl Hunting Zones:
 - 1) Northern Zone - That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.
 - 2) Central Zone - That portion of the State south of the northern zone boundary to the Modoc Ferry Landing on the Mississippi River and east along the Modoc Ferry Road to Randolph County Highway 12 to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
 - 3) Southern Zone - From the southern boundary of the Central Zone south to the remainder of the State.
 - 4) ~~Tri-county-Fulton-Knox County~~ Canada Goose Zone - Knox County and the following townships in Fulton County: Buckheart, Canton, Cass, Deerfield, Fairview, Farmington, Joshua, Orion, Putnam, and that portion of Banner Township bounded on the north by Illinois Route 9 and on the east by U.S. Route 24.
 - 5) Rend Lake Canada Goose Quota Zone - all lands and waters in Franklin and Jefferson Counties.
 - 6) Northeastern Illinois Canada Goose Zone - All lands and waters in the counties of Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry and Will.
 - 7) Southern Illinois Quota Zone (Alexander, Union, Williamson, and Jackson Counties).
 - k) No person during the open season shall take or attempt to take wild geese in the Rend Lake Canada Goose Quota Zone except between legal opening and the hour of 3:00 p.m. (Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 590.20 Permit Controlled Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section, which allow hunting by permit only, are:

Horseshoe Lake Conservation Area (Alexander County)

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Rice Lake Conservation Area
Snake Den Hollow State Fish and Wildlife Area
Union County Conservation Area

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General waterfowl hunting regulations for Horseshoe Lake (Alexander County), Snake Den Hollow State Fish and Wildlife Area, Union County and Rice Lake areas

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c)

1) Subsection (c) of this Section shall be in accordance with Federal Regulations (50 CFR 20, effective September 20, 1987) unless the regulations in this Section are more restrictive.

2) Season dates, bag limits and methods of taking geese are set by the U. S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.

3) Hours, Permits and Stamp Charges

A) Hunting hours are from legal opening time until 12:00 Noon at Rice Lake and Snake Den Hollow State Fish and Wildlife Area. Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise until 12:00 Noon.

B) Hunters From opening day through December 14, hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. From December 15 through the close of goose season, hunters with permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. A drawing shall be held to allocate blind sites. At Horseshoe Lake (Alexander County) and Union County, hunters with permit reservations from Springfield, who have drawn poorer blinds (as determined by the area operator), shall have priority to be reassigned to the better blinds as they become available.

C) A \$15.00 Daily Usage Stamp must be purchased at Horseshoe Lake (Alexander County), Snake Den Hollow State Fish and Wildlife Area and Union County. A \$6.00 \$10.00 Daily Usage Stamp must be purchased at Rice Lake.

4) When daily quotas are not filled, permits shall be issued to standby hunters by a drawing held at the check station.

5) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp in the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

6) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

7) Baiting with corn, grains or other feed is not allowed.

b) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Applicants making reservations will be sent confirmation.

2) Only one permit per person. Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code.

3) The permit shall be for the use of the entire blind and it. It shall be the responsibility of the permit holder to bring one hunting partner (two hunters per blind) for Horseshoe Lake (Alexander County), Snake Den Hollow State Fish and Wildlife Area and Union County (two hunters per blind), except for the Youth-Goose Hunt, or two hunting partners (three hunters per blind) for Rice Lake (three hunters per blind). Unfilled blinds will be filled by a drawing at the sites.

4) A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferrable.

B) Permits cannot be transferred on the hunting area. For other information write to:

Illinois Department of Conservation
Permit Office - Waterfowl
524 S. Second Street, Room 210
P.O. Box 19457
Springfield, IL 62794-9457

5) Permits for waterfowl hunting will be issued from the Springfield Permit Office for Horseshoe Lake (Alexander County), Snake Den Hollow State Fish and Wildlife Area, Union County and Rice Lake.

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- 8) Guns must be unloaded and encased at all times when not hunting.
- 9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.
- d) Special Canada geese hunting regulations for Horseshoe Lake (Alexander County) and Union County.
 - 1) The legal hunting season is the dates of the Quota Zone goose hunting season except that the areas shall be closed on Mondays and December 24, 25, 26 and 27²⁹. ~~(These sites)~~ This site shall be open only for the Illinois Youth Goose Hunt on December 27²⁹, pursuant to Section 590.25).
 - 2) Hunters may not possess more than 5 shells for each Canada Goose or sub-species-allowed in the daily bag.
 - 3) Hunters cannot leave their blinds and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blinds.
 - 4) Hunters must be at least 16 years of age (except for the Illinois Youth Goose Hunt) to draw for a pit or blind on the ~~Union County or Horseshoe Lake (Alexander County) areas~~. Each person under 16 years of age must be accompanied by a supervising adult.
 - 5) Hunters shall use only decoys provided by the Department. The use or possession of any other decoys is illegal.
 - e) Special duck regulations for Rice Lake.
 - 1) The legal hunting season is the dates of the central zone duck hunting season.
 - 2) All hunting parties (each blind) are required to use a minimum of 12 duck decoys.
 - 3) Hunters can bring a private boat or can rent a boat at the area. The maximum motor size limit for private boats is unrestricted and for rental boats is 10 h.p. while hunting. Boats shall be provided with blinds on Big Lake and no motors shall be allowed.
 - 4) Hunters must be at least 16 years of age to draw for a blind at the Rice Lake area.
 - 5) Rice Lake will be closed to hunting when the lake is frozen over.
 - f) Special Canada goose hunting regulations for Snake Den Hollow.
 - 1) The legal hunting season is the dates of the ~~Ft. Fulton-Knox~~ County goose

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- hunting zone.
- 2) Hunters must not possess more than 5 shells for each Canada goose or sub-species-allowed in the daily bag.
 - 3) Hunters must not enter the refuge in pursuit of crippled geese.
 - 4) Hunters must be at least 16 years of age to draw for a blind.
 - 5) Closed on Tuesdays, Wednesdays and December 24, 25 and 26.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 590.25 Illinois Youth Goose Hunting Permit Requirements

- a) State sites covered in this Section, which allow hunting by permit only, are:

Horseshoe Lake Conservation Area (Alexander County)

Union County Conservation Area

- b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10 - 15.
- 2) Only one permit per person shall be issued for the hunt on December 27, 1991~~29~~, 1992.
- 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt.
- 4) Permit reservations and transferability.
 - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
 - B) For other information write to:

Illinois Department of Conservation
Youth Goose Hunt
524 S. Second Street, Room 210
P.O. Box 19457
Springfield, IL 62794-9457

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- 5) Permits for the Illinois Youth Goose Hunt will be issued from the Springfield Permit Office.

- c) General waterfowl hunting regulations for Horseshoe Lake (Alexander County) and Union County.

- 1) Subsection (c) shall be in accordance with Federal Regulations (50 CFR 20, effective September 29, 1987) unless the regulations in this Section are more restrictive.

- 2) Season dates, bag limits and methods of taking geese are set by the U.S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.

- 3) Hours, Permits and Stamp Charges

- A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from sunrise until 12:00 noon on December 27, 1991-29, 1992.

- B) Hunters with Illinois Youth Goose Hunt permit reservations are required to check in at the check station between 4:00:00 a.m. and 5:00:30 a.m. Permits are void after 5:00:30 a.m. A drawing shall be held to allocate blind sites.

- C) There is no fee for the Illinois Youth Goose Hunting Permit.

- 4) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamps in the check station while hunting. Persons exempt by law from having a hunting license and a State Migratory Waterfowl Stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

- 5) Hunting must be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

- 6) Baiting with corn, grains or other feed is not allowed.

- 7) Hunters must have a 20 gauge or larger shotgun and provide their own ammunition.

- 8) Guns must be unloaded and encased at all times when not hunting.

- 9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.

- d) Special Canada geese Illinois Youth Goose Hunt hunting regulations for Horseshoe Lake (Alexander County) and Union County:

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- 1) The legal hunting season is December 27, 1991-29, 1992.

- 2) Each youth may not possess more than 25 shells.

- 3) Hunters cannot leave their blind and shoot crippled geese. Hunters can leave the blind and retrieve their crippled geese but they must leave their guns in the blinds.

- 4) Each youth and supervising adult may be accompanied by a guide.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 590.26 Illinois Youth Duck Hunting Permit Requirements

- a) State sites covered in this Section, which allow hunting by permit only, are:

Donnelley State Wildlife Area

- b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10 - 15.

- 2) Only one permit per person shall be issued for the hunt on November 15, 1992.

- 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt.

- 4) Permit reservations and transferability.

- A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.

- B) For other information write to:

Illinois Department of Conservation
Youth Duck Hunt
524 S. Second Street, Room 210
P.O. Box 19457
Springfield, IL 62794-9457

- 5) Permits for the Illinois Youth Duck Hunt will be issued from the Springfield Permit Office.

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c) General waterfowl hunting regulations for Donnelley State Wildlife Area.

1) Subsection (c) shall be in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Section are more restrictive.

2) Season dates, bag limits and methods of taking ducks are set by the U.S. Fish and Wildlife Service, Department of the Interior, unless State regulations are more restrictive.

3) Hours, Permits and Stamp Charges

A) Hunting hours at Donnelley State Wildlife Area are from sunrise until 12:00 noon on November 15, 1992.

B) Hunters with Illinois Youth Duck Hunt permit reservations are required to check in at the check station between 5:00 a.m. and 5:30 a.m. Permits are void after 5:30 a.m. A drawing shall be held to allocate blind sites.

C) There is no fee for the Illinois Youth Duck Hunting Permit.

4) Hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamps in the check station while hunting. Persons exempt by law from having a hunting license and a State Migratory Waterfowl Stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.

5) Hunting must be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.

6) Baiting with corn, grains or other feed is not allowed.

7) Hunters must have a 20 gauge or larger shotgun and provide their own ammunition.

8) Guns must be unloaded and encased at all times when not hunting.

9) Disturbing or molesting waterfowl, fishing, or trespassing within the posted area of any hunting ground is prohibited.

10) The legal hunting season is November 15, 1992.

11) Each youth and supervising adult may be accompanied by a guide.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 500.30 Duck, Goose and Coot General Hunting Regulations on all Department-Owned and

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-Managed Sites-

a) The regulations in this Section apply to all sites listed in Sections 590.40, 590.50 and 590.60, unless otherwise stated in those Sections.

b) The regulations in these Sections are in accordance with Federal Regulations (50 CFR 20--effective September 29, 1997) unless the regulations in these Sections are more restrictive.

c) All the regulations in 17 Ill. Adm. Code 510 apply in these Sections, unless these Sections are more restrictive.

d) Definitions

1) Blind site - A position within 10 feet of numbered site where blind must be constructed. Sites shall be located and marked by the Department of Conservation.

2) Blind builder - Person who has been assigned a blind site as a result of the drawing.

3) Blind partner - Person(s) chosen by the builder to assist in construction and maintenance of the blind and to share its hunting privileges.

4) Drawing - Procedure by which blind sites are assigned.

5) Blind registration card - Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.

6) Complete blind - A blind with all framework and siding constructed and in readiness for use, including final brushing.

7) Hunting party - An individual or group of hunters occupying a single boat, blind, or hunting site.

e) Blind Construction

1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.

2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.

3) Blinds must be completed, including final brushing, 3 weeks in advance of

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opening date of waterfowl season, except for those areas listed in Section 590.60(b)(12) and Section 590.60(b)(16), after which time the Department of Conservation shall inspect all blinds and blind sites and issue blind registration cards to those which pass inspection. Blind builders must post Blind Registration Card in the blind prior to the first day of duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.

- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.
- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned before August 31. Failure to do so shall result in forfeiture of blind.
- 6) No person shall be allowed to be a blind builder or partner on more than one State Waterfowl Management Area in Illinois.
- 7) Boat hides are required, except as noted in Sections 590.40, 590.50 and 590.60, and must have minimum inside dimensions of 18' x 6', and shall be sturdy enough to withstand daily use considering the conditions of the site, and must be maintained in good condition throughout the season, and shall be completed including final brushing by three weeks prior to the opening day of waterfowl season; failure to meet these standards shall result in forfeiture of blind site.

f) Use of blinds

- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
- 3) Persons under 16 years of age shall not hunt, or attempt to hunt unless accompanied by an adult due to safety factors.
- 4) Blinds shall not be locked.
- 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied is unlawful.

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- 6) No person shall fish within 250 yards of an occupied blind within the hunting area.
- 7) All hunting parties shall hunt over a spread of at least 12 decoys. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container. Decoys must be removed at the end of the day's hunt or left overnight, as determined by the site manager.

g) Public Drawing

- 1) Time and place for all sites holding drawings shall be publicly announced by the Department of Conservation.
- 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Person exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have a valid Firearm Owner's Identification Card must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. Applicants must be present for the registration and drawing to be eligible for allocation of duck blind sites.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 590.50 Non-Check Station Department Sites Only - Duck, Goose and Coot Hunting

- a) Sites covered in this Section have additional regulations in parentheses:

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed)

Fuller Lake (Federal Lands; legal opening - 3:30 p.m. CST)

Helmhold Slough (Federal Lands; legal opening - 3:30 p.m. CST)

Illinois River - Pool 26

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season)

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Lake Siniissippi (Department Owned Land)

Marshall County Conservation Area - Sparland Unit (Department Owned Land)

Meredosia Lake - Cass County Portion Only (meandered waters only) (all boat traffic is prohibited from operating on meandered waters (except ~~un-non-~~ motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (Federal Lands)

Pekin Lake (Department Owned Land)

Piasa (Federal Lands)

Red's Landing (Federal Lands)

Riprap Landing

Savanna Ordnance Depot (Federal Lands)

Starved Rock State Park

William W. Powers Conservation Area (no goose hunting prior to duck season; boat hides required only at designated sites as announced at the drawing). There will be no drawing in 1992. 1991 blind builders whose blinds passed inspection will be offered the opportunity to retain their respective blind sites for 1992 due to emergency closure of the site in 1991. Blind builders who did not pass inspection and those who decline this opportunity, will have their blind sites offered to the list of alternates drawn at the 1991 drawing.

- b) The sites listed above in subsection (a) conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 690.30), except as noted in the remainder of this Section. The following regulations apply to all sites listed in this Section under subsection (a).

- 1) Hours are legal opening to sunset.
- 2) Blind builders or partners must occupy their blinds by one-half hour before opening shooting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first-come basis.
- 3) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall

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not be considered legal occupation of a blind.

- c) Hunting from permanent blinds shall be permitted at the above areas with the following exceptions:

- 1) AMAX Leased Lands - no permanent blinds may be built. Temporary blinds only - 200 yards apart.
 - 2) Boston Bay, Mississippi River Pool 18 - no permanent blinds may be built. Temporary blinds only - 200 yards apart.
 - 3) Mississippi River Pools 16-18 - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting.
 - 4) Savanna Ordnance Depot - scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters.
 - 5) Red's Landing - all area north of access road shall be a walk-in area only. No permanent blinds may be built. Temporary blinds only.
- d) Special access restrictions are at the following sites:
- Savanna Ordnance Depot (boat access only)
- e) No more than 4 persons shall occupy a blind at one time except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Savanna Ordnance depot.
- f) Previous year's blind builders shall have until the date listed in parentheses of the following year to salvage materials from blind sites. After this date, all materials shall become the property of the Department or the new blind builder, as determined by the site manager, except as noted in parentheses.

Chain O'Lakes (7 days after current year's drawing; except blind numbers 23, 24, 25, 26 and 27 must be removed in their entirety by May 1.)

Des Plaines River (blind drawing date)

Fuller Lake (7 days after the current year's drawing)

Helmhold Slough (7 days after the current year's drawing)

Illinois River Pool 26 (7 days after the current year's drawing)

Kankakee River (February 1)

Lake Siniissippi (blind drawing date; except blind numbers 1, 2, 3, 4, 13, 14,

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15, 16, 20, 21, ~~22~~, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety by May 1)

Marshall County Conservation Area - Sparland Unit (February 1)

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26, (7 days after the current year's drawing)

Pekin Lake (the blind drawing date)

Piasa (7 days after the current year's drawing)

Red's Landing (7 days after the current year's drawing)

Riprap Landing (7 days after the current year's drawing)

Savanna Ordnance Depot (7 days after the current year's drawing)

Starved Rock State Park (February 1)

William Powers (February 1)

g) Blind sites shall be allocated for the period as noted by a public drawing at:

Chain O'Lakes (1 year)

Des Plaines River (1 year)

Kankakee River (1 year)

Lake Sinnissippi (1 year)

Marshall County Conservation Area - Sparland Unit (1 year)

Mississippi River Pools 16, 17, 18, 22, 24, (2 years)

~~Mississippi River Pool 21 (1 year)~~

Mississippi River Pools 25, 26 (3 years)

Pekin Lake (1 year)

Savanna Ordnance Depot (1 year)

Starved Rock State Park (1 year)

William Powers (1 year)

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h) Re-registration Process for "2 year" and "3 year" Blind Allocation Sites.

1) Mississippi River Pools 16, 17, and 18

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must mail or phone in notice to re-register that blind site. Failure to re-register during the publicly announced prescribed period shall result in loss of blind site.

2) Mississippi River Pools 21, 22, 24, 25 and 26

In those years when blind sites are allocated by re-registration, at least one of last year's registered blind builders from each blind site must be present in order to re-register that blind site. Registrant must be over 16 years of age and have in his possession the current year's Illinois hunting license for himself and his blind partners. Failure to re-register during prescribed period shall result in loss of blind site.

3) Blind builders may not be added or transferred to another blind after the initial blind registration has occurred.

i) At William Powers, fishing from boats during waterfowl season is unlawful. Fishing from the shore in areas posted as waterfowl hunting areas during waterfowl hunting season is unlawful.

j) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned by January 15 within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain of Lakes State Park

Des Plaines Conservation Area

Kankakee River State Park

William Powers Conservation Area

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 590.60 Various Other Department Sites - Duck, Goose and Coot Hunting

a) Sites covered in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.30), except as noted in the remainder of this Section. These sites are:

Braidwood Lake

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Cache River State Natural Area
Campbell Pond Wildlife Management Area
Carlyle Lake Project Lands and Waters
Chauncey Marsh
Clinton Lake State Recreation Area
Crab Orchard Refuge
Dog Island Wildlife Management Area
Donnelley State Wildlife Area
Fox Ridge State Park
Ft. de Chartres Historic Site
Heidecke State Fish and Wildlife Area and Powerton Lake
Horseshoe Lake Conservation Area (Alexander County) Public Hunting Area
Drawing Waterfowl Hunting Area only (other than permit area)
Horseshoe Lake Conservation Area (Alexander County) Public Hunting Area
Horseshoe Lake State Recreation Area (Madison County)
Kaskaskia River Fish and Wildlife Area
Kidd Lake State Natural Area (no permanent blinds allowed)
Kinkaid Lake Fish and Wildlife Area
Lake Shelbyville
Lake Shelbyville Fish and Wildlife Management Area
LaSalle Fish and Wildlife Area
~~Little Black Slough State Natural Area~~
~~Lower Cache River State Natural Area~~
Mermet Lake Conservation Area

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Mississippi River Area Fish and Wildlife Area
Pike County Conservation Area
Powerton Lake (Regulations combined with Heidecke Lake)
Rend Lake Project Lands and Waters
Rice Lake Conservation Area
Saline County Conservation Area
Sanganois Conservation Area
Sangchris Lake State Park
Shawnee National Forest, Bluff Lake
Shawnee National Forest, LaRue Scatters
Shawnee National Forest, Oakwood Bottoms (West of the Big Muddy Levee)
Stephen A. Forbes State Park
Ten Mile Creek State Fish and Wildlife Area
Turkey Bluffs Fish and Wildlife Area (All hunters must sign in and out and report kill; no permanent blinds allowed)
Union County (firing line Waterfowl Management Area)

b) Site specific regulations

1) Braidwood Lake

A) Definitions:

i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area.

ii) Water blind site - a position within 50 yards of a numbered stake or buoy, or a position between two like-numbered buoys, where a blind may be located.

iii) Daily draw - procedure by which blinds or blind sites are allocated daily.

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- iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.
- B) Waterfowl hunting shall be permitted on Department leased or managed lands and waters only at designated blind sites.
- C) Water blind sites shall be determined by the Department of Conservation and marked with a numbered stake or buoy.
- D) Blind sites shall be allocated on a daily draw basis conducted at the check stations 90 minutes before shooting time. Hunters shall register as parties for the drawing; each party drawn will be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- E) Blind sites not selected during the drawing shall be allocated on a first-come, first-served basis. Vacant blind sites shall be allocated 90 minutes after legal shooting time. No blind sites shall be allocated after 9:00 a.m.
- F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move, except that after 10:00 a.m. daily, hunters may move to a vacant blind site without notifying attendant, but such a move must be reported when checking out.
- G) Hunting shall be from boat blinds only with a minimum length of 16 feet and a minimum 60-inch beam, and must have a gas-powered motor.
- H) Access to blind sites shall be by boat only and from designated boat launch sites.
- I) No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.
- J) Daily shooting hours will be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- L) No unauthorized pits or blinds shall be built on Department leased or managed land or water.

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- M) Braidwood Lake shall be closed to all fishing and boat traffic from 2 weeks prior to duck season through the day before duck season and be closed to all fishing during waterfowl seasons commencing with duck season.
- N) No hunting allowed on Monday and Tuesday.
- O) Layout boats approved in advance by the site superintendent shall be permitted. A layout boat is defined as a non-motorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the designated tender boat location.
- P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- Q) Hunting is closed on Christmas Day.
- R) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- S) It is unlawful to shoot across any dike.
- T) Waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting during the September goose season is permitted.
- U) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting shall be prohibited.
- 2) Cache River State Natural Area
 - A) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees and shrubs on the area is prohibited.
 - B) Dedicated Nature Preserve areas are closed to hunting.
- 3) Campbell Pond Wildlife Management Area
 - All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

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4) Carlyle Lake Project Lands and Waters

- A) Shooting hours for waterfowl are statewide opening hour until 1:00 p.m.
- B) Waterfowl and coot hunting shall be permitted except in clearly posted refuge areas or developed recreation areas, or within 500 feet of construction sites or developed recreation areas.
- C) No permanent blinds, goose pits, or other structural works may be constructed or dug on State managed lands at any time, except that the U.S. Army Corps of Engineers may build permanent blinds for disabled or handicapped hunters. All other blinds must be portable in nature or constructed of natural vegetation located at the blind site, and must be removed at the end of the day's hunt.
- D) It is unlawful to enter the subimpoundment area during the 3 days prior to the opening of waterfowl hunting season. No one may enter the subimpoundment area before 3:00 a.m. each day of the duck hunting season, and no one may remain in the area after 3:00 p.m. each day of the duck hunting season. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4.
- E) No one may enter or remain on the waters of Carlyle Lake from 12:00 a.m. (midnight) to 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunter may remain in the area after 3:00 p.m. each day of the waterfowl hunting season. The waters of Carlyle Lake include the lake and that portion of the Kaskaskia River, northfork, eastfork and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- F) It shall be unlawful to be in possession of firearms on the waters of Carlyle Lake after 3:00 p.m. each day during the waterfowl hunting season and 24 hours prior to the opening day of waterfowl hunting season.
- G) Only walk-in hunting shall be permitted in the subimpoundment areas. No flotation devices capable of floating a man are allowed except Coast Guard approved PFD's. When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department of Conservation personnel shall post that the area is open to boats. Boats are allowed only at these times in the subimpoundment areas.
- H) ~~Only waterfowl and coot hunting are allowed in the subimpoundment area during the duck hunting season. On the day following the close of duck season to the close of goose season, the following areas in the~~

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~~Carlyle subimpoundment shall be refuge. All of compartments 3 and 4 and that portion of compartment 2 that lies 200 yards south of levee B where the levee runs east and west, and 200 yards west where the levee turns and runs north and south in the subimpoundment areas, compartments 3 and 4 will be waterfowl rest areas during the entire waterfowl season. No trespassing will be allowed. At the close of duck hunting season, known eagle protection areas will be posted by the Site Superintendent and will be closed to goose hunting.~~

- D) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season.
- J) A minimum of 200 yards shall be maintained between waterfowl hunting parties. (A hunting party shall be defined as an individual, or group of hunters occupying a single boat, blind, or hunting site).
- K) No person shall tamper or attempt to manipulate any of the gates, pumps, or structures in the subimpoundment area.
- L) No motor driven vehicles are allowed in the subimpoundment area except those operated by Department of Conservation or Corps of Engineers personnel.
- ~~M) The waters of Carlyle Lake lying south of a line from the south side of the mouth of Gales Creek on the east side of Carlyle Lake to the south side of the mouth of Allen Branch on the west side of Carlyle Lake is a designated waterfowl refuge and is closed to waterfowl hunting.~~
- ~~N) East Side Management Area from Cox Bridge to the north and east boundary of the State managed land is open to hunting of other species (that are in season) during the waterfowl hunting season. Subimpoundment area waterfowl regulations apply in this area for waterfowl hunting. Statewide and site specific regulations apply for other species.~~
- ~~O) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest registration box located at the access parking lot. All hunters must sign out and record their harvest at the end of each day's hunt.~~
- ~~b) Chauncey Marsh~~
- ~~A) Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.~~
- ~~B) No permanent blinds or pits may be constructed or dug at any time. All blinds must be of a portable nature or be established with natural~~

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vegetation and must be removed or dismantled at the end of the day's hunt. Cutting of live trees is prohibited.

C) Dedicated Nature Preserve area is closed to hunting.

66) Clinton Lake

A) Hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of following year or hunting privileges for following season shall be forfeited.

B) Hunting is allowed only from anchored portable boat blinds except no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge, and within 200 yards of developed recreation areas, construction and industrial sites, or within 300 yards of electrical power lines.

C) Hunting parties must maintain a minimum distance of 200 yards apart.

D) No more than 3 persons shall occupy or use a portable boat blind.

E) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of each hunting day.

F) Each hunting party is required to hunt over a minimum of 12 decoys.

67) Dog Island Wildlife Management Area

All blinds must be of a portable nature and constructed with natural vegetation at the blind site and must be removed or dismantled at the end of the day's hunt.

78) Donnelley State Wildlife Area

A) Hunting is prohibited on Tuesdays and Wednesdays and on November 15, 1992 except as indicated in Section 590.26.

B) Hunting hours are from sunrise to 12 Noon.

C) Goose hunting is prohibited after the close of the duck season.

D) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.

E) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification

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Cards before proceeding to blinds.

F) ~~\$\$\$~~10.00 daily usage stamp must be purchased to hunt this area.

G) No outboard motors are allowed by public - only by authorized DOC personnel.

H) No more than 3 persons shall occupy a blind at any one time.

I) All parties are required to report to check station within 1 hour after termination of hunt or no later than 1 p.m.

J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys which must be removed upon the termination of the hunt.

K) The first weekend and the third Saturday of the waterfowl season shall be designated as youth hunt days. This shall consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.

L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

69) Fox Ridge State Park

A) Hunting restricted to Embarras River and its flood waters.

B) No permanent blinds of any kind or other structural works are permitted.

C) No pits shall be dug, built or occupied.

70) Fort de Chartres Historic Site

A) No check station.

B) Hunting is allowed from anchored, portable boat blinds only on a first-come, first-served basis; no permanent blinds allowed.

C) Portable boat blinds must have been completed, including final brushing, before entering the area and must be removed at the end of each hunting day.

D) Hunting parties must maintain a minimum distance of 200 yards apart.

E) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

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- F) No hunting is allowed during firearm deer season.

~~40~~11) Heidecke State Fish and Wildlife Area and Powerton Lake

A) Definitions:

- i) Boat blind (water blind) - a portable form of boat which must be completely concealed (including final brushing) before entering the area. The boat blind and all blind materials must be removed at the end of each hunting day.

- ii) Water blind site - a position within 10 yards of a numbered stake or buoy where a blind may be located.

- iii) Daily draw - procedure by which blinds or blind sites are allocated daily.

- iv) Refuge - an inviolate area on which all hunters and the general public may not trespass.

- B) Waterfowl hunting shall be permitted on Department leased or managed lands and waters only at designated blind sites.

- C) Water blind sites shall be determined by the Department of Conservation and marked with a numbered stake or buoy.

- D) Blind sites shall be allocated on a daily draw basis conducted at the check stations 90 minutes before shooting time at Heidecke State Fish and Wildlife Area and 60 minutes before shooting time at Powerton Lake. At Heidecke Lake hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than three hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.

- E) Blind sites not selected during the drawing shall be allocated on a first-come, first-served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal shooting time. No blind sites shall be allocated after the drawing until one hour after legal shooting time. No blind sites shall be allocated after 10:00 a.m.

- F) Hunters wishing to move to another blind site must report this move to the check station attendant, in person, before such a move.

- G) Hunting must be from boat blinds only.

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- H) Access to water blind sites must be by boat only and from designated boat launch sites.

- D) All water hunting must be from portable blind, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind. Portable boat blinds must have been completed, including final brushing, before entering the area, and be removed at the end of each hunting day.

- J) Daily shooting hours shall be legal opening time to 12:00 Noon. Upon vacating blinds, all hunters must report to the check station within 1 hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.

- K) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.

- L) No unauthorized pits or blinds shall be built on Department leased or managed land or water.

- M) Heidecke Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season until the close of the waterfowl season. Powerton Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters; and closed to all unauthorized entry during the waterfowl season.

- N) No hunting on Monday and Tuesday at Heidecke Lake. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.

- O) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam; however, layout boats approved in advance by the site superintendent will be permitted. A layout boat is defined as a nonmotorized, flat bottom, low profile boat in which the sides are continuous with the front deck and slope inward toward the opening rather than the usual outward slope. Such layout boats must be attended at all times by a nonhunting tender boat that is at least 16 feet with a 60 inch beam. Layout boats are restricted to open water blind sites. Tender boats must anchor as close as possible to the center dike.

- P) No guns may be carried from water blinds to retrieve waterfowl that fall on land.

- Q) Hunting is closed on Christmas Day.

- R) All water areas not posted with blind site numbers shall be refuge and

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are closed to all boat traffic except by authorized personnel.

S) It is unlawful to shoot across any dike at Heidecke Lake.

T) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke Lake waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

U) In the event of adverse water and/or weather conditions, such as flooding, high winds, or heavy fog, hunting be prohibited.

12) Horseshoe Lake (Alexander County) Daily Drawing Waterfowl Hunting Area Only

A) Waterfowl hunting shall be permitted only during goose season, except that no hunting is allowed on Mondays or December 24, 25, 26 and 29 (this site shall be open only for the Illinois Youth Goose Hunt on December 29, pursuant to Section 590.25).

B) Hunting shall be done from assigned blinds only.

C) A daily drawing for assigned blind sites will be held 60 minutes prior to legal shooting hours each day hunting is allowed. For the drawing, hunters must register as a party, no more than two people per party are permitted.

D) Hunters must deposit their license prior to going to their blinds.

E) Hunters must park in assigned, designated areas only.

F) Hunters must hunt over a minimum of 12 Canada goose decoys.

G) Daily hunting hours will be from sunrise to 12 Noon; hunters must return to the check station and report their harvest by 1:00 p.m.

H) Hunters may not possess more than 5 shells for each Canada goose or subspecies allowed in the daily bag.

I) Hunters cannot move from blind to blind, nor leave the assigned blind to shoot crippled geese; hunters may leave the assigned blind to retrieve crippled geese, but must leave their guns in the blind.

44)13) Horseshoe Lake (Alexander County) Public Hunting Area (other than permit areas)

The refuge area shall be defined as all State-owned land and those areas adjacent within the tract of land hereinafter described: Beginning at the

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~~intersection of State Highway No. 8 and the Olive Branch-Miller City Road, thence in southerly direction to the intersection of the Olive Branch-Miller City Road and the Promised Land Road, thence easterly to the intersection of the Promised Land Road and Old Highway No. 8, thence northwesterly to intersection of Old Highway No. 8 and State Highway No. 8 and thence northwesterly along State Highway No. 8 to point of beginning at Olive Branch.~~

~~44)14) Horseshoe Lake State Recreation Area (Madison County)~~

~~A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.~~

~~B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation shall inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.~~

~~C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.30(e), shall be given one week to correct deficiencies. Blinds failing the second inspection shall be reassigned to alternates selected at a drawing or by a first-come allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.~~

~~44)15) Kaaskaskia River Fish and Wildlife Area~~

~~A) Shooting hours are statewide opening hour until 1:00 p.m. during the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal shooting hours shall be from statewide opening hour until statewide closing hour. Goose hunting hours end at 1:00 p.m.~~

~~B) All waterfowl hunting parties must use at least 12 decoys and hunt at least 200 yards from the next hunting party.~~

~~C) No permanent blinds allowed on the area. No one has any prior claim or right to any blind site. First-come, first-served rule prevails. Blinds shall be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of each day's hunt.~~

~~D) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.~~

~~E) No one under 16 years of age shall hunt or attempt to hunt on the area~~

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unless accompanied by an adult due to safety factors.

- F) The following regulations apply to the Doza Creek Waterfowl Management Area:

- i) This area shall be closed to all public use 3 days prior to waterfowl hunting season. No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m.
- ii) Waterfowl, coot and archery deer hunting only allowed in this area during the duck hunting season.
- iii) Waterfowl hunting is closed during the second firearm deer season.

16) Lake DePue (walk-in area)

- A) Blinds will be allocated by a daily drawing held 1 hour before shooting time.
- B) Hunting hours are from sunrise to 12 noon daily.
- C) All hunting shall be from designated blinds only.
- D) Refilling or changing blinds will not be permitted.
- E) Goose hunting is prohibited after the close of the duck season.
- F) All parties must hunt over a minimum of 12 decoys.
- G) No boats are allowed in the walk in area.
- H) The walk-in area will be closed to hunting on November 15 (this is to accommodate the Youth Duck Hunt).
- I) All parties are required to report to the check station within 1 hour after termination of hunt or no later than 1 p.m.

17) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 4:00 a.m.

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and 5:00 a.m. Central Daylight Time (3:00 a.m. and 4:00 a.m. Central Standard Time) on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:

- i) All parties must hunt within 10 yards of their assigned stake.
- ii) All parties must be in place by one-half hour before shooting time.
- iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.

- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first-come, first-served basis except as noted in subsections (A) and (B) above. A hunting party must hunt within 10 yards of the stake.

- D) Daily shooting hours shall be from legal opening to 1:00 p.m.

- E) Waterfowl hunters must maintain a distance of 200 yards between parties except as described in subsection (B) above. (A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site).

- F) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.

- G) The building of permanent blinds of any kind or other structural works is prohibited. All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

- H) No goose pits shall be built or dug.

- I) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.

- J) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.

- K) During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north

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to the Illinois Central Railroad bridge from one-half hour before sunrise until 1:00 p.m.

- L) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

~~17~~18) Mernmet

- A) Waterfowl hunting shall be permitted only during the duck hunting season.

- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily drawing during which blinds shall be assigned. Hunting parties shall not change blinds without prior approval from the check station operator. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

- C) The daily drawing shall be held one hour prior to legal shooting time.

- D) All members of the hunting party shall register as a group (not to exceed 4 people per group) for the purpose of the drawing.

- E) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.

- F) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.

- G) Deer, squirrel and woodcock may not be taken in the waterfowl areas after the opening of the waterfowl season.

- H) Daily hunting hours shall be the legal opening until 12:00 Noon local time.

- I) All boats are prohibited from entering the duly posted waterfowl refuge (Main Lake) from October 1 until the close of the waterfowl season.

~~18~~19) Mississippi River Area Fish and Wildlife Area

- A) A pothole cleared of all weeds and brush for a 40 yard radius is required around all blind sites.

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- B) Blinds must be completed, including final brushing, 4 weeks in advance of the opening date of waterfowl season, after which time the Department of Conservation shall inspect all blinds and blind sites and issue blind registration cards to those which pass inspection.

- C) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, and have failed the inspection pursuant to Section 590.60(e), shall be given one week to correct deficiencies. Blinds failing the second inspection shall be reassigned to alternates selected at a drawing on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, in advance of the opening date of the waterfowl season.

~~17~~20) Pike County Conservation Area

Statewide season regulations apply except that the season closes November 30 in Area A and December 15 in Area C, or the legal statewide closing, whichever is earlier, in Area A.

~~18~~21) Rend Lake Project Lands and Waters

- A) All blinds must be of a portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

- B) No goose pits or permanent blinds shall be dug or built on Project lands.

- C) All waterfowl hunters and all boats must be out of the Wildlife Management Areas by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m.

- D) No hunting permitted from the subimpoundment dams.

- E) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.

- F) The distance between waterfowl hunting parties shall be no less than 200 yards. ~~(A hunting party shall be defined as an individual or group of hunters occupying a single boat, blind, or hunting site.)~~

- G) No waterfowl hunting permitted within 200 yards of any Whistling Wings Access Area daily drawing blind/pit.

- ~~G)H)~~ All boat traffic is prohibited from entering the duly posted waterfowl refuge and the subimpoundments from 2 weeks before waterfowl season until March 1 except that boats used by waterfowl hunters are permitted

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in the subimpoundments from 4:30 a.m. until 2 p.m. during the waterfowl season.

- ~~149~~141 All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- ~~149~~142 Permanent blinds at the Whistling Wings Access Area shall be allocated by a daily drawing at 5:30 a.m.
- ~~149~~143 Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- ~~149~~144 Daily shooting hours for waterfowl shall be from legal opening time to 1:00 p.m.
- ~~149~~145 The land portion of the Rend Lake Refuge is closed to trespassing at all times. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- ~~149~~146 Rice Lake (Walk-in and Copperas Creek Management Units)
- A) Hunting shall be alternated between units every other day beginning with opening day at the walk-in unit, and shall be limited to 20 hunters per day.
 - B) Hunters shall be determined by a daily drawing at the designated check station.
 - C) Shooting hours shall be from legal opening time until 12:00 Noon.

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Statewide bag and possession limits apply on this area.

~~149~~147 Saline County Conservation Area

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.

~~149~~148 Sanganois (Walk-in Area)

- A) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- B) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- C) All hunters using this area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- D) Upon the completion of hunting, hunters must report to the check station within one hour.
- E) Fishing is prohibited in the impoundment areas during the waterfowl season.
- F) No person shall trespass on the Barkhausen Refuge during the period from October 1 through December 31.
- G) No person shall trespass on the Marion-Pickrel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
- H) Walk-in area legal opening until 12:00 noon during duck season. When the central zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide shooting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.

~~149~~149 Sangchris Lake State Park

- A) Hunting hours are legal opening until 12:00 Noon, except during the firearm deer season hunting hours shall cease at 10 a.m. and waterfowl hunters must be off the lake by 11 a.m. and during the last 3 days of

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K) Access to blind sites shall be by boat only and from designated boat launch sites, the West Hill Boat Launch and the East Harbor Boat Launch. A corridor located north of the Middle Peninsula along the southern edge of the existing refuge will be established to provide access to the west arm of the Lake from the East Harbor Boat Launch when the West Hill Boat Launch is closed. Such notice of corridor use shall be announced prior to the blind drawing for that day.

L) All hunting must be from 1 portable blind or 1 anchored portable blind located within a numbered cove and between the assigned numbered stakes. Portable blinds or boat blinds must have been completed, including final brushing, before entering the area, and removed at the end of each hunting day. Cutting of natural vegetation for any purpose is unlawful.

M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.

N) No pits or blinds shall be built on State leased or Commonwealth Edison land.

O) Blind sites: A position between two like numbered stakes within a cove where a blind may be located.

P) Corridor - Water travel lane, during waterfowl season only, for boating back and forth to blind sites.

Q) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season. Fishing shall be prohibited in the west arm of the lake during that portion of the goose season that follows the duck season.

R) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.

S) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Conservation will close the lake area to all fishing and all boating activity except for non-water hunting programs.

29) 2d) Shawnee National Forest, Bluff Lake

A) Goose hunting is prohibited.

B) Shooting hours: legal opening until noon.

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Canada goose season, hunting hours will close at statewide closing. No waterfowl hunting the 1st day of firearm deer season in November or the 1st day of firearm deer season in December.

B) Blind sites shall be allocated by a daily drawing to be conducted two hours prior to shooting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first-come, first-served basis. Vacant blind sites shall not be allocated until 9 a.m. Further, no blind sites shall be allocated after 10 a.m. (During that portion of the goose season which follows the duck season, the west arm blind sites only shall be available for goose hunting and shall be allocated on a first-come, first-served daily drawing basis to be held at 5:30 a.m. daily.

C) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.

D) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.

E) There will be a duly posted waterfowl refuge. This area shall be closed to all boat traffic except as allowed in Section 590.60(b)(25)(K) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.

F) A waterfowl refuge will be located on State land between the east and west arms of the lake. Additional refuges are located on waters from the junction of the center arm and the east arm of the lake north to the refuge area, the area adjacent to the power plant is utilized as a fly ash pond and the south portion of the west arm shall be duly designated as inviolate areas.

G) No more than 4 persons shall occupy a blind at one time.

H) Waterfowl hunting shall be permitted on State leased lands and waters in the Sangchris Lake State Park area, except in duly posted refuge areas, developed recreation areas, a minimum of 300 yards from all high lines and 500 feet from construction or industrial sites. The center arm of the lake shall be closed to all waterfowl hunting.

I) Blind sites shall be determined by the Department of Conservation and marked with a numbered stake. When it is deemed necessary, the Department of Conservation shall remove, move or close blind sites in order to carry out the operations of the overall management program.

J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.

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- C) No permanent blinds or other structures may be constructed on the site.

24/27 Shawnee National Forest, LaRue Scatters

- A) All hunting must be by walking in or in boats without motors.
- B) Shooting hours for all species in this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with statewide deer hunting hours (17 Ill. Adm. Code 670).
- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.

25/28 Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

- A) All hunting must be by walking into the area.
- B) Shooting hours for all species on this area shall close at 12:00 Noon local time, except bow hunting for deer shall be permitted in accordance with Statewide deer hunting hours (17 Ill. Adm. Code 670).
- C) Permanent blinds shall not be constructed in this area and all equipment used in the taking of waterfowl must be removed at the end of each hunting day.

- D) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.

- E) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the sub-impoundment area.

26/28 Stephen A. Forbes

- A) Daily hunting hours are legal open to 1:00 p.m.
- B) On the main lake hunting is allowed from a boat blind only and must be within 100 yards of a staked location.
- C) Only walk-in hunting is allowed in the sub-impoundment. Hunting must occur within 100 yards of a staked location.
- D) Hunting shall be allowed on a first-come, first-served basis. All hunters must use 12 decoys, minimum.

27/30 Ten Mile Creek Fish and Wildlife Area

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- A) Permit required.

- B) All blinds must be of portable nature or constructed with natural vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt.

- C) No goose pits or permanent blinds shall be dug or built on State lands.

- D) The distance between waterfowl hunting parties or blind sites shall be no less than 200 yards.

- E) Waterfowl hunters must obtain permit prior to hunting.

- F) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.

- G) Areas designated as REFUGE are closed to all access during the Canada Goose Season only. REFUGE designation has been given to all land in Unit I, and the 260 acre tract at the Western edge of Unit II.

28/31 Union County (Firing Line Waterfowl Management Area)

- A) It shall be unlawful to take a gun beyond the posted boundary while retrieving crippled geese.

- B) This area shall be closed at 12 noon during the goose season.

- C) Hunters may not possess more than 5 shells for each Canada Goose or sub-species-allowed in the daily bag.

- D) Waterfowl hunting from staked sites only.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Disadvantaged Students Funds Plan - Districts Over 50,000 ADA

- 2) Code Citation: 23 Ill. Adm. Code 202

3) Section Numbers:

<u>Section Numbers:</u>	<u>Proposed Action:</u>
202.10	Amendment
202.20	Amendment
202.30	Amendment
202.40	Amendment
202.44	New Section
202.46	Amendment
202.50	Amendment
202.60	Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 18-8(A)(5)(i)(1), as amended by Public Act 87-697, effective September 23, 1991.

- 5) A Complete Description of the Subjects and Issues Involved:

This rulemaking is prompted by enactment of P.A. 87-697, which amended Section 18-8 of the School Code. The principal changes in the law include the following:

- 1) The due date for the Chicago school district's plan for meeting the educational needs of disadvantaged children has been changed from December 1 of each year to July 15.
- 2) The State Board now has 60 days to review the plan instead of 30, and a provision has been added to allow the Chicago Board of Education to amend its plan.
- 3) A separate report (due by December 1) is now required, conveying to the State Board final, detailed expenditure data for the prior year and the plan year. Pursuant to analysis of this information, the State Board may notify the Chicago Board that corrective action is required.

An additional change is being proposed in order to provide some needed flexibility, by making it possible under certain circumstances for a program previously designated as regular and basic to become a supplemental program.

The changes in the existing rules are as follows:

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The new date for plan submission (July 15) is set forth in Section 202.20.

Section 202.30 has been changed in several places to reflect the preliminary nature of much of the information which will be submitted in the July 15 plan.

Section 202.40(a) shows the revision in the timeline for the State Board's review of the plan.

A new Section 202.44 has been added to describe the contents of and review process for the December 1 Plan Expenditure and Modification Report. The Program and Cost Allocation Matrix previously found in Section 202.30(c) now appears as a required component of this report instead. This will permit use of complete and final information for the prior year as a basis for comparison in review of the information submitted for the current, or plan, year.

The new Section 202.46 provides for the plan amendments permitted in the law as revised (see point 2 above) and requires Local School Council approval of significant amendments.

Finally, an additional change is being proposed which will make it possible under certain circumstances for a program previously designated as regular and basic to become a supplemental program. This is found in Section 202.30(c)(3) (previously labelled (4)).

The remaining changes either are necessary to make the rules internally consistent or are technical in nature (such as changes in references to the School Code).

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference?

The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No

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10) Statement of Statewide Policy Objectives:

These rules will not create or enlarge a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Jon X. Healy
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-3950

12) Initial Regulatory Flexibility Analysis:

These will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER e: INSTRUCTION

PART 202

DISADVANTAGED STUDENTS FUNDS PLAN--DISTRICTS OVER
50,000 ADA

Section	
202.10	Definitions
202.20	Filing the Plan
202.30	Plan Contents
202.40	Plan Approval Procedures and Standards
202.44	Plan Expenditure and Modification Report
202.46	Plan Amendments
202.50	Enforcement Procedures
202.60	Quarterly Expenditure Reports and Site Visits

AUTHORITY: Implementing and authorized by Section 18-8(A)(5)(i)(1) of the School Code (Ill. Rev. Stat. 1989, ch.122, par. 18-8(A)(5)(i)(1), as amended by P.A. 87-697, effective September 23, 1991).

SOURCE: Adopted at 3 Ill. Reg. 32, p. 26, effective August 10, 1979; emergency amendment at 5 Ill. Reg. 1325, effective November 17, 1981, for a maximum of 150 days; amended at 6 Ill. Reg. 6215, effective May 19, 1982; codified at 8 Ill. Reg. 536; amended at 10 Ill. Reg. 12769, effective July 11, 1986; Part repealed, new Part adopted by emergency action at 13 Ill. Reg. 13664, effective August 15, 1989, for a maximum of 150 days; Part repealed, new Part adopted at 14 Ill. Reg. 3472, effective February 27, 1990; amended at ___ Ill. Reg. ___, effective ____.

Section 202.10 Definitions

"Count" means a census taken by the District at each attendance center on the twentieth day of the school year for which the Plan required by this Part is applicable. The count shall determine the number of students enrolled at each attendance center in the District and shall be used for the purpose of calculating each attendance center's entitlement to Nontargeted State Chapter 1 Funds.

"District" means any school district with an average daily attendance of 50,000 or more.

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"Enrolled" means that a student has taken all steps required by the District to register at an attendance center and by such registration is eligible to participate in the educational program offered at the attendance center.

"Expenditure plan" means the plan prepared by the principal of each attendance center in the District and approved by that center's Local School Council as authorized by Section 34-2.3(4) of the School Code. In order that the District can meet its responsibilities pursuant to this part, an expenditure plan must at least contain the following elements:

A list of the attendance center's regular and basic programs as defined herein;

A list of the attendance center's supplemental programs as defined herein;

A table showing the total cost for each regular and basic program and each supplemental program and the proportions of the total cost for each program attributed to one or more of the sources cited in Section 202-30(e)(4) and (5) 202.44(b)(3)(D).

"Nontargeted State Chapter 1 Funds" means the amount of State aid provided under subsection 1(n) of Section 18-8(A) of the School Code by the application of the Chapter 1 weighting factor in excess of .375 as modified by Section 18-8(A)(5)(i)(1)(a) and required to be distributed only to attendance centers within the District in proportion to the total enrollment at each attendance center during the plan year.

"Plan" means the proposed use of State Chapter 1 Funds as set forth in a Plan to Meet the Educational Needs of Disadvantaged Students.

"Plan Year" means the school year for which a Plan has been submitted as required by Section 18-8(A)(5)(i)(1)(d) of the School Code.

"Program" means, as stated in 23 Ill. Adm. Code 110.50(c)(11) (Program Accounting Manual), "a group of interdependent, closely related services and/or activities progressing toward or contributing to a common objective or set of allied objectives." For each program identified pursuant to this Part as a regular and basic

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or supplemental program the District must establish and maintain descriptive information which links the total cost of each program to statements of what service(s) are provided (e.g., kindergarten); to or for whom the service(s) are provided (e.g., number of students); and at what level of intensity (e.g., adult/student ratio).

"Program and Cost Allocation Matrix" means that portion of the Plan Expenditure and Modification Report required to be submitted to the State Board of Education which includes the information set forth in Section 202-30(e) 202.44(b)(3).

"Regular and Basic Program" means any program as defined above that is generally available to students in District attendance centers of the same type (e.g., elementary, secondary, vocational, magnet) and similar size or which is made available to some students in some attendance centers in the District through a categorical program because of their special needs (e.g., handicapped students, bilingual students). Regular and basic programs include all those the District is required to provide pursuant to the provisions of 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision), and others such as administrative services and support services (e.g., counseling, custodial). For the purposes of this part, the term "regular and basic program" includes each uniquely identified program or service provided at an attendance center that has its total costs paid from funds other than the State Chapter 1 Funds required to be distributed only to attendance centers for supplemental programs under the provisions of Section 18-8(A)(5)(i)(1)(a) of the School Code.

"State Chapter 1 Eligible Pupils" means those students enrolled at an attendance center in the District who were eligible to receive free or reduced price lunches or breakfasts under the Child Nutrition Act of 1966--as amended (42 U.S.C. 1771 et seq.), and under the National School Lunch Act--as amended (42 U.S.C. 1751 et seq.), during the school year preceding the plan year.

"State Chapter 1 Funds" means the total amount of money generated in a plan year by application of the provisions contained in Section 18-8(A)(1)(n) of the School Code.

"Supplemental Program" means any uniquely identified program or service that:

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is provided only at an attendance center;

is listed in Section 18-8(A)(5)(i)(1)(c) of the School Code and approved as required therein by a Local School Council as established by Section 34-2.1 of the School Code; or

will, in the opinion of a Local School Council, be educationally beneficial as evidenced by the Council's approval of the expenditure plan including the supplemental program's title and costs pursuant to the power granted to each Local School Council in Section 34-2.3(4) of the School Code;

is paid for in whole from the State Chapter 1 Funds required by Section 18-8(A)(5)(i)(1)(c) of the School Code to be spent only on such programs; and

is included in the supplemental programs identified in the Plan submitted to and approved by the State Board of Education pursuant to the provisions of Section 18-8(A)(5)(i)(1)(d) of the School Code and of this Part.

"Targeted State Chapter 1 Funds" means the amount of State aid provided under subsection (1)(n) of Section 18-8(A) of the School Code by the application of the Chapter 1 weighting factor of .375 as modified by Section 18-8(A)(5)(i)(1)(a) of the School Code and required to be distributed only to the attendance centers within the District in proportion to the number of State Chapter 1 eligible pupils who were enrolled in such attendance centers during the school year preceding the plan year.

"The School Code" means the School Code (Ill. Rev. Stat. 1987 1989, ch. 122, pars. 1-1 et seq.).

(Source: Amended at ___ Ill. Reg. ___, effective _____)
Section 202.20 Filing the Plan

- a) The District shall describe its proposed use of State Chapter 1 Funds in a Plan showing that insofar as possible priority is given to meeting the educational needs of disadvantaged students through the use of supplemental programs. The Plan must be submitted to the State Board of Education before December-1 July 15

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annually. The Plan will be effective for the school year in which it is required to be submitted.

- b) The District shall submit five (5) copies of the Plan (one of which is in an electronic medium) before December-1 July 15.

- 1) Three (3) copies, one (1) of which is in an electronic medium, shall be submitted to the:

State Superintendent of Education
State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

- 2) Two (2) copies shall be submitted to the:

Assistant-Superintendent
State Board of Education
Chicago Regional Office
State of Illinois Center
100 West Randolph Street, Suite 14-300
Chicago, Illinois 60601

- c) A Plan shall be deemed to have been submitted before the date specified in subsection (a) when:

- 1) it has been delivered by the U.S. Postal Service to the Chicago or Springfield office of the State Board of Education and bears a postmark date before December-1 July 15 of the year for which it is applicable, or

- 2) it has been delivered to the Chicago or Springfield office of the State Board of Education by messenger or similar means on any day before the close of business (5:00 p.m.) prior to December-1 July 15 of the year for which it is applicable.

(Source: Amended at ___ Ill. Reg. ___, effective _____)
Section 202.30 Plan Contents

The Plan shall be presented in accordance with the format given in this Section and shall include the information and assurances specified herein.

- a) Letter of Transmittal

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The Plan shall include a letter of transmittal signed by the Superintendent of the District and including a statement of the school year for which the Plan is being submitted and a statement that the board of education of the District has formally adopted a motion approving the plan and authorizing its transmittal to the State Board of Education.

b) Districtwide Program Data, Calculations and Allocations

The Plan shall include calculations, based upon the formulas and procedures applicable to the plan year as specified in Section 18-8(A)(5)(i)(1) of the School Code and using the most recent available data, showing:

- 1) A count of all enrolled students expected to be enrolled in each attendance center on the twentieth school day of the school year;
- 2) A count of all enrolled State Chapter 1 Eligible Pupils expected to be enrolled in each attendance center in the prior-school plan year determined at the end of June;
- 3) The amount of the per-pupil expenditure for each attendance center in the prior-school year and the amount of the per pupil expenditure to be provided each attendance center in the plan year;
- 4) The amount of the State Chapter 1 Funds provided to each attendance center in the prior-school year;
- 5) The amount of all other funds provided to each attendance center in the prior-school year;
- 6) The total amount of State Chapter 1 Funds made available by application of the weighting formula in Section 18-8(a)(1)(n) of the School Code;
- 7) The proportion (which may not exceed the proportion allowed by law) of the total given for subsection (b)(6) (b)(4) above which is set aside and appropriated by the District for the purpose of providing desegregation programs and related transportation for students, and the remainder resulting therefrom;
- 8) The amounts resulting from separating the remainder calculated in subsection (b)(7) (b)(5) above

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- A) the amount which represents Nontargeted State Chapter 1 Funds,
- B) the amount which represents Targeted State Chapter 1 Funds, and
- C) the amount of the State Chapter 1 Funds required to be expended only on supplemental programs as defined in Section 202.10;

7) For each attendance center in the plan year, the calculations needed to demonstrate that

- A) its average per pupil expenditure (i.e., from all funds) for the plan year will not be less than ninety percent (90%) of the same average for the preceding school year, and
 - B) its allocation includes the amount needed to replace any loss due to the redistribution of State Chapter 1 funding as required by Section 8(A)(5)(i)(1)(b) of the School Code, and any shortfall resulting from the District's failure to distribute State aid to the attendance center in accordance with the plan approved for the preceding school year, and
 - C) its allocation includes an amount equal to the center's unexpended allocation from the preceding school year; and
- 8) A list of all regular and basic programs identified by the District as conforming to the definition of such programs set forth in Section 202.10, and which the District has required attendance centers to treat as regular and basic programs in their expenditure plans; and
- 9) A list of all supplementary programs, selected from those authorized by and listed in Section 18-8(A)(5)(i)(1)(c) of the School Code, that will be operated at one or more attendance centers in the plan year, providing the following information for each such program:
- A) A description of the instructional and/or other services to be provided. The description must

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specify what will be done, for whom it will be done (e.g., number and grade levels of students, faculty, parents), and at what level of intensity (e.g., amount of instructional and/or service-provision time, staff-student ratio).

B) A statement describing what feature(s) of the program qualify it as meeting the criteria for a supplementary program as defined in Section 202.10.

C) A list of the attendance center(s) where the supplementary program will operate in the plan year.

e) Program-and-Cost-Allocation-Matrix

The-Plan-shall-include-a-program-and-cost-allocation matrix-that-shows-for-the-plan-year-at-each-attendance center-in-the-District.

1) its-total-budget-allocation-from-all-sources-other than-Section-18-8(A)(1)(n)-of-the-School-Code;

2) its-total-budget-allocation-attributable-to-the application-of-the-distribution-formula-and applicable-schedules-provided-in-Section-18-8(A)(5)(1)(a)-and-(e)-of-the-School-Code;

3) the-amounts-resulting-from-separating-the-total given-in-subsection-(e)(2)-into

A) the-amount-which-represents-Nontargeted-State Chapter-1-Funds;

B) the-amount-which-represents-Targeted-State Chapter-1-Funds;

C) the-amount-of-the-State-Chapter-1-Funds required-to-be-expended-only-on-supplemental programs-as-defined-in-Section-202.10;

4) the-amount-and-proportion-of-the-total-cost-of-all regular-and-basic-programs,-and-of-all-supplemental programs-at-the-attendance-center-which-are attributable-to

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A) all-sources,-including-categorical-funds-as-a subset,-other-than-Section-18-8(A)(1)(n)-of-the School-Code;

B) Targeted-and-Nontargeted-State-Chapter-1-funds used-for-programs-other-than-supplemental programs;

C) State-Chapter-1-funds-for-supplemental programs;

5) the-code-and-its-accompanying-narrative-description which-is-established-by-the-District-to-provide-a unique-descriptor-for

A) each-attendance-center-and-its-expenditure plan;

B) the-subset-of-all-regular-and-basic-programs within-the-attendance-center's-expenditure plan;

C) the-subset-of-all-supplemental-programs-within the-attendance-center's-expenditure-plan;-and

B) the-amounts-and-proportions-of-program-costs established-pursuant-to-subsection-(e)(4)-as applied-to-subsections-(5)(B)-and-(E);

C) d) Assurances

The Plan shall include a statement of assurances that the District has records which demonstrate that

1) its Plan conforms to the requirements of Sections 18-8(A)(1)(n) and 18-8(A)(5)(i) of the School Code and of this Part;

2) it has reviewed the expenditure plan of each attendance center to ensure that

A) the allocation of funding by sources and amounts to regular and basic programs and to supplemental programs conforms to the requirements of Section 18-8(A)(5)(i)(1)(a) of the School Code and of this Part;

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- B) each program identified as regular and basic or supplemental conforms to the applicable definition in Section 202.10,
- C) each expenditure plan has been approved by the Local School Council as authorized by Section 34-2.1 of the School Code;
- 3) ~~the program and cost allocation matrix developed pursuant to subsection (c) is consistent with the decisions of local school councils as reflected in the expenditure plans they have approved pursuant to Section 34-2.3 of the School Code;~~
- 4) no portion of a supplemental program included in the expenditure plan of any attendance center for the plan year and supported with State Chapter 1 funds required to be spent only on such programs has ever been identified as a regular and basic program, unless the District has adopted a districtwide or amended districtwide budget which shows that it has substantively reduced the level of instructional and/or other services previously provided under such program and that these reductions are uniformly applicable throughout the District; and
- 4) the funds identified as appropriated and set aside for the provision of desegregation programs and related transportation will be so spent.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 202.40 Plan Approval Procedures and Standards

- a) The State Board of Education will, within thirty (30) sixty (60) days of after receipt of the Plan, adopt a motion to accept or reject said Plan based upon the standards set forth in Subsection (b) Section 202.40(b). This action shall include a statement of the modifications necessary to the subsequent approval of any Plan which is rejected.
- b) Standards
- Each Plan received as required by Section 202.20 will be analyzed to determine that it
- 1) has been submitted in the form and contains the components specified in Section 202.30;

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- 2) includes the statements of transmittal and of assurances required in Sections 202.30(a) and 202.30(d)(c);
- 3) includes formulas, calculations, allocations, data elements and other descriptive information which are accurate and applicable to the plan year; and
- 4) includes sufficient descriptive information and other data to enable the State Board of Education to determine that the Plan does not propose to use State Chapter 1 Funds in any manner or for any purposes other than those authorized by Section 18-8(A) of the School Code and by this Part.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 202.44 Plan Expenditure and Modification Report

- a) Not later than December 1 of each year, the District shall submit three (3) copies of a Plan Expenditure and Modification Report (hereinafter called a Report), one of which is in an electronic medium, to the State Superintendent of Education.
- b) Each such Report shall include:
- 1) modifications of its Plan for the current year as required by the State Board of Education pursuant to the provisions of Section 202.40 and Section 202.50;
- 2) any amendments to its approved Plan for the current year which have been adopted by the District in accordance with the provisions of Section 202.46;
- 3) a program and cost allocation matrix applicable to the prior year and the plan year and showing for each attendance center in the District:
- A) its total budget allocation from all sources other than Section 18-8(A)(1)(n) of the School Code;
- B) its total budget allocation attributable to the application of the distribution formula and applicable schedules provided in Section 18-8(A)(5)(i)(1)(a) and (c) of the School Code;

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- C) the amounts resulting from separating the total given in subsection (b)(3)(B) of this Section into
- i) the amount which represents Nontargeted State Chapter 1 Funds.
 - ii) the amount which represents Targeted State Chapter 1 Funds.
 - iii) the amount of the State Chapter 1 Funds required to be expended only on supplemental programs as defined in Section 202.10;
- D) the amount and proportion of the total cost of all regular and basic programs, and of all supplemental programs at the attendance center which are attributable to
- i) all sources, including categorical funds as a subset, other than Section 18-8(A)(1)(n) of the School Code.
 - ii) Targeted and Nontargeted State Chapter 1 funds used for programs other than supplemental programs.
 - iii) State Chapter 1 funds for supplemental programs;
- E) the code and its accompanying narrative description which is established by the District to provide a unique descriptor for
- i) each attendance center and its expenditure plan.
 - ii) the subset of all regular and basic programs within the attendance center's expenditure plan.
 - iii) the subset of all supplemental programs within the attendance center's expenditure plan, and
 - iv) the amounts and proportions of program costs established pursuant to subsection (b)(3)(D) of this Section as applied to

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- subsections (b)(3)(E)(ii) and (iii) above; and
- 4) evidence that all obligations of funds under the Plan for the prior year have been liquidated not later than thirty (30) days following the end of that year.
- c) If the State Superintendent of Education determines, upon review of the Report, that the District has failed to comply with the expenditure provisions regarding contravention or supplanting set forth in Section 18-8(A) of the School Code, then:
- 1) within sixty (60) days after receipt of the Report, the State Superintendent will notify in writing the District and any affected Local School Council of that fact and of the modifications needed to remedy or correct the noncompliance; and
 - 2) the District shall, within forty-five (45) days after receiving the notification described in subsection (1) above, notify the State Superintendent of Education in writing of its decision to achieve compliance either by
 - A) amending its Plan for the current year - if, in the District's judgment, this is feasible; or
 - B) adjusting its Plan for the succeeding school year.
 - d) All written notifications sent pursuant to this Section shall be sent by certified U.S. mail, return receipt requested. The date of receipt of notification shall be deemed to be the date of delivery entered upon the return receipt.
 - e) Enforcement of this Section shall be as provided in Section 202.50.
- (Source: Added at ___ Ill. Reg. ___, effective _____)
- Section 202.46 Plan Amendments
- The District may amend a Plan approved by the State Board of Education provided that the District has formally adopted and disseminated to each Local School Council an amendment procedure, and:

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a) the District maintains up-to-date documentation showing the reasons for, the amounts, and the effective dates of all such amendments to an attendance center's expenditure plan as defined in Section 202.10;

Section 202.44 or has failed to submit the notification of remedial or corrective action as required in Section 202.44; or

b) whenever a line item in an attendance center's expenditure plan is to be changed by more than \$500 or 10 percent (whichever is larger) from the approved Plan, the change cannot take effect until the District has evaluated each proposed change to ensure that the result remains in compliance with the applicable State Chapter 1 provisions of Section 18-8(A) of the School Code and of this Part;

5) the State Board of Education has approved a Plan or modified Plan; or

c) each amendment changing a line item in an attendance center's budget by \$500 or 10 percent, whichever is larger, has been approved by the Local School Council; and

6) the State Superintendent has received the Plan Expenditure and Modification Report or the notification of remedial or corrective action.

b) Upon receipt of a notification pursuant to subsection (a) above, the Regional Superintendent shall withhold or transmit the Targeted and Nontargeted State Chapter 1 funds affected by the Plan or modified Plan as specified in the notification. During any period in which funds are withheld, the Regional Superintendent shall invest such funds in the manner provided in "AN ACT relating to certain investments of public funds by public agencies" (Ill. Rev. Stat. 1987 1989, ch. 85, pars. 901 et seq.) and shall transmit the funds and all accrued interest to the District upon receipt of written notification from the State Board of Education that the Board has approved the District's Plan.

(Source: Added at Ill. Reg. _____, effective _____)

c) All written notifications sent pursuant to this Section shall be sent by certified U.S. mail, return receipt requested. The date of receipt of notification shall be deemed to be the date of delivery entered upon the return receipt.

Section 202.50 Enforcement Procedures

a) The Regional Superintendent having supervision over the District and the District Superintendent shall receive written notification from the State Board of Education that

- 1) the District has not submitted a Plan before December 1 July 15 of the year for which a Plan is required; or
- 2) the District has failed to submit a modified Plan within forty-five (45) days of its notification of the rejection of a Plan pursuant to Section 202.40; or
- 3) the State Board of Education has rejected a modified Plan; or
- 4) the District has failed to submit the Plan Expenditure and Modification Report as required in

(Source: Amended at Ill. Reg. _____, effective _____)

Section 202.60 Quarterly Expenditure Reports and Site Visits

- a) The District shall submit three (3) copies of an expenditure report which includes a sheet plan year update for the information required in Section 202.30(b)(3) and Section 202.44(b)(3) and any amendments adopted pursuant to Section 202.46 for the periods ending November 30, the last day of February, May 31, and August 31. The quarterly expenditure reports shall be submitted to the State Superintendent of Education within 30 days of the end of each reporting period.

- b) State Board of Education staff will use the reports received pursuant to subsection (a) above in conjunction with visits to at least fifteen percent (15%) of the

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attendance centers in the District during each Plan Year. Such visits shall be for the purpose of determining that attendance center programs and expenditures conform to those set forth in the Plan approved by the State Board of Education.

- 1) Attendance centers will be selected for visitation on the basis of an annual random sampling procedure designed
 - A) to ensure that each attendance center in the District is visited during a consecutive seven-year period (i.e., a cycle); and
 - B) to eliminate any attendance center already visited in a given cycle.
- 2) In addition to the cycle of visits set forth above, State Board of Education staff reserve the right to visit any attendance center in the District whenever such action is needed to ensure that attendance center programs and expenditures conform to those set forth in the Plan approved by the State Board of Education.
- 3) State Board of Education staff will provide to the District written notice of the attendance center(s) to be visited pursuant to subsection (1) or (2) above. Within twenty (20) days after receiving said notice, the District shall submit to the State Board of Education, at the address cited in Section 202.20(b)(2), a copy of the expenditure plan, including any amendments thereto, for each attendance center listed in the notice.

- c) If the analyses of expenditure reports and/or the visits conducted pursuant to subsection (b) of this Section produce evidence that the District has failed to distribute State Chapter 1 Funds as required in its approved Plan, then the Plan for the following year shall allocate funds in addition to those otherwise required by Section 18-8(A)(5)(i)(1)(a) of The School Code to each affected attendance center in amounts at least equal to such underfunding.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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- 1) Heading of Part: Financial Institutions Code
- 2) Code Citation 38 Ill. Adm. Code 200
- 3) Section Number:

<u>Proposed Action:</u>	
200.100	New Section
200.110	New Section
200.155	New Section
200.160	New Section
200.165	New Section
200.200	New Section
200.202	New Section
200.205	New Section
200.210	New Section
200.215	New Section
200.220	New Section
200.221	New Section
200.225	New Section
200.230	New Section
200.235	New Section
200.240	New Section
200.245	New Section
200.250	New Section
200.270	New Section
200.280	New Section
200.290	New Section
200.310	New Section
200.320	New Section
200.400	New Section
200.402	New Section
200.404	New Section
200.406	New Section
200.408	New Section
200.410	New Section
200.412	New Section
200.414	New Section
200.416	New Section
200.418	New Section
200.420	New Section
200.422	New Section
200.424	New Section
200.425	New Section
200.426	New Section
200.428	New Section
200.430	New Section

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200.432 New Section
 200.434 New Section
 200.436 New Section
 200.438 New Section
 200.440 New Section
 200.442 New Section
 200.444 New Section
 200.446 New Section
 200.448 New Section
 200.450 New Section
 200.452 New Section

4) Statutory Authority: Implementing and authorized by the Financial Institutions Code, Ill. Rev. Stat., Ch. 17, par. 101 et seq.

5) Complete Description of the Subjects and Issues Involved:

These new sections are proposed to implement the Financial Institutions Code.

Sections 200.100 through 200.165 are definitions of terms.

Sections 200.200 through 200.290 are requirements of general application governing notification, certification, filing, place of filing, fees; disclosure of sensitive information and variances.

Section 200.310 establishes a manner and method of requesting opinions from the Department.

Section 200.320 establishes a manner and method of requesting declaratory rulings from the Department.

Sections 200.400 through 200.452 establish procedures for administrative hearings.

6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect?
 No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Incorporations by Reference? No

9) Are there Any Other amendments Pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandate Act (Ill. Rev. Stat., 1991, ch. 85, par. 2203).

11) Time, Place and Manner in Which Interested Persons May Comment on this Rulemaking: The Department will accept only comments submitted on a Response Form provided by the Department. Comments must be received within forty-five days of the date of this publication.

Requests for response forms and submission of comments are to be directed to:

Henry Sintzenich, Deputy Counsel
 Department of Financial Institutions
 500 Iles Park Place, Suite 314
 Springfield, IL 62718-1094
 217/782-3704

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 17, 1992

B) Types of Small Business Affected: Consumer Credit Division Licensees, Currency Exchange Division Licensees, Credit Union Division Licensees, Unclaimed Property Divisions holders of unclaimed property. Minimum essential requirements are imposed by this rulemaking to provide for registration, compliance and consumer protection.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance: Filing and updating of registration documents or forms, reporting compliance deficiencies and submission of annual financial reports.

D) Types of Professional Skills Necessary for Compliance: Basic management and recordkeeping.

The full text of the proposed rules begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER 1: DEPARTMENT OF FINANCIAL INSTITUTIONS

PART 200
FINANCIAL INSTITUTIONS CODE

SUBPART A: DEFINITIONS

Section
200.100
200.110
200.155
200.160
200.165

Definition of terms Used in this Part
Definition of the term "Application".
Definition of the term "Notice".
Definition of the term "Party".
Definition of the term "Person".

SUBPART B: RULES OF GENERAL APPLICATION

Section
200.200
200.202
200.205
200.210
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200.290

Applicability
Notice of Summary Action
Notification of Noncompliance or Material Change
Display of Certificates or Registrations
Prohibition on Filing Application
Computation of Time
Requirements as to Proper Form
Place of Filing
Additional Information
Additional Exhibits
Information Unknown or Not Reasonably Available
Requirements as to Paper, Printing and Language
Number of Copies--Signatures
Extension of Date for Filing
Non-Public Distribution of Information
Provisions for Granting of Variance from Rules

SUBPART C: NON-BINDING STATEMENTS AND DECLARATORY RULINGS

200.310
200.320

Request for Non-Binding Statements
Request for Declaratory Rulings

SUBPART D: PROCEDURES FOR ADMINISTRATIVE HEARINGS

200.400
200.402
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200.406

Preamble
Qualifications and Duties of the Administrative Law Judge
Notice of Hearing
Institution of a Contested Case by the Department

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200.408 Requirement to File an Answer
200.410 Amendment or Withdrawal of the Notice of Hearing
200.412 Representation
200.414 Special Appearance
200.416 Substitution of Parties
200.418 Failure to Appear
200.420 Motions
200.422 Requirements Relating to Continuances
200.424 Rules of Evidence
200.425 Standard of Proof
200.426 Form of Papers
200.428 Bill of Particulars
200.430 Discovery
200.432 Examination of Witnesses
200.434 Subpoenas
200.436 Pre-Hearing Conferences
200.438 Record of a Pre-Hearing Conference
200.440 Hearings
200.442 Record of Proceedings
200.444 Record of Hearing
200.446 Orders
200.448 Stipulations
200.450 Open Hearings
200.452 Corrections to the Transcript

AUTHORITY: Implementing and authorized by the Financial Institutions Code,
(Ill. Rev. Stat., Ch 17, par 101 et seq.)

SUBPART A: DEFINITIONS

Section 200.100 Definition of terms Used in this Part

a) As used in this Part prescribed by the Director, unless the context otherwise requires, the term:

"Act" means any Act "the administration of which is vested in the Director or the Department" and the Rules in this Part.

"License" means any certificate or authorization issued to any person, party or entity pursuant to any Act administered by the Department.

"Licensee" means any person, party or entity certified, registered, licensed or authorized by the Department pursuant to any Act administered by the Department.

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"Director's authorized representative" means any person employed by or on behalf of the Department of Financial Institutions to whom the Director has delegated verbally or in writing authority to act on the Director's behalf.

"Summary action" means any order or notification issued by the Director prior to the initiation of an administrative hearing which is effective upon service.

- b) A Section in this Part which defines a term without express reference to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

Section 200.110 Definition of the term "Application".

The term "Application" as used in this Part shall mean a request in writing under oath containing all the relevant facts upon which a decision can be made, and the specific relief or decision requested.

Section 200.155 Definition of the term "Notice".

The term "Notice" as used in this Part shall include, but not be limited to, a communication accomplished by telephone, United States Postal Service, private mail service, computer transaction or facsimile transmission.

Section 200.160 Definition of the term "Party".

The term "Party" as used in this Part shall include, but not be limited to, all holders of or applicants for any license, their agents, servants and employees, whether they are natural persons, corporations, partnerships, associations, cooperatives, trusts or other legal entities.

Section 200.165 Definition of the term "Person".

The term "Person" as used in this Part shall include, but not be limited to, all holders of or applicants for any license, their agents, servants and employees, whether they are natural person, corporations, partnership, associations, cooperatives, trusts or other legal entities.

SUBPART B: RULES OF GENERAL APPLICATION

Section 200.200 Applicability

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Unless otherwise provided:

- a) In an Act;
- b) In a rule adopted pursuant to an Act which is more specific than the Section(s) contained in this Part; or
- c) In a rule adopted pursuant to an Act which provides greater administrative due process to any party to an administrative proceeding than the comparable Section(s) contained in this Part.

the Sections of this Part are applicable to and shall govern under each Act.

Section 200.202 Notice of Summary Action

An order imposing summary action affecting any license or licensee is effective upon completion of service pursuant to the provisions prescribed in the specific Act. Where service is made by registered or certified mail, the Department of Financial Institutions ("Department") will, if possible, notify by telephone or by facsimile transmission the affected person or party of the suspension or revocation.

Section 200.205 Notification of Noncompliance or Material Change

All holders of or applicants for any license issued pursuant to the Act shall submit written notification to this Department within a maximum of ten (10) business days of becoming aware of any noncompliance with the provisions of this Act and any material change in condition which places or tends to place any consumer or policyholder in jeopardy.

Section 200.210 Display of Certificates or Registrations

Each holder of a license issued pursuant to the Act shall display it in a manner conspicuous to the public or maintain it at its principal place of business for inspection upon request by the public.

Section 200.215 Prohibition on Filing Application

No person or party whose application has been denied or refused or whose license has been revoked for a violation of the Act hereunder shall be entitled to file another application within one year from the effective date of such denial, refusal or revocation, or if judicial review of such denial, refusal or revocation is sought, within one year from the date of final court order or decree affirming such action unless the Director or

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Director's authorized representative has issued a variance as provided by Section 200.290 of this Part. Such application, when filed after one year, may be refused by the Director unless the person or party shows change(s) in condition or situation to establish why the denial, refusal or revocation of the license shall not be deemed a bar to the issuance of a new license.

Section 200.220 Computation of Time

The time within which an act under the Act shall be done shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or holiday as defined or fixed in any statute now or hereafter in force in this State, and then it shall also be excluded. If the date succeeding such Saturday, Sunday or holiday is also a Saturday, Sunday or holiday, then such succeeding day shall also be excluded.

Section 200.221 Requirements as to Proper Form

Any document filed with the Department pursuant to the Act shall be prepared in accordance with the form, if any, prescribed therefor by the Director. Any such document shall, after review by the Department, be deemed to be filed on the proper form, unless objection to the form is made in writing by the Department.

Section 200.225 Place of Filing

Unless otherwise specified applications and other papers may be filed with the office of the Department of Financial Institutions located in Chicago, Illinois or Springfield, Illinois. Such material may be filed by delivery to the Department, through the mails or otherwise.

Section 200.230 Additional Information

In addition to the information expressly required to be included in an application, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

Section 200.235 Additional Exhibits

Any licensee or applicant may file such exhibits as it may desire in addition to those required by the appropriate form. The exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

Section 200.240 Information Unknown or Not Reasonably Available

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Information required need be given only insofar as it is known or reasonably available to the licensee or applicant. If any required information is unknown and not reasonably available to it, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with it, the information may be omitted, subject to the following conditions:

- a) The licensee or applicant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.
- b) The licensee or applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

Section 200.245 Requirements as to Paper, Printing and Language

- a) Applications shall be filed on good quality, unglazed, white paper, 8 1/2 by 11 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper, if folded to that size, and the prospectus may be on smaller paper, if the registrant so desires, but not less than 7 1/2 by 9 inches in size.
- b) The application and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, the application or any portion thereof may be prepared by any similar process which in the opinion of the Department produces copies suitable for permanent record. Irrespective of the process used, all copies of the material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.
- c) The application shall be in the English language. If any exhibit or other paper or document filed with the application is in a foreign language, it shall be accompanied by a translation into the English language.

Section 200.250 Number of Copies--Signatures

- a) One copy of the completed application, manually signed by the

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applicant, including exhibits and all other papers and documents filed as a part of the application, shall be filed with the Department.

- b) If any name is signed to the application pursuant to a power of attorney, copies of the power of attorney shall be filed with the application for registration. In addition, if the name of any officer signing on behalf of the applicant, or attesting the applicant's seal, is signed pursuant to a power of attorney, certified copies of a resolution of the applicant's board of directors authorizing the signature shall be filed with the application for registration.

Section 200.270 Extension of Date for Filing

The Director or the Director's authorized representative may, upon receipt of a written application, extend for up to thirty (30) days any filing deadline set forth in this Part.

Section 200.280 Non-Public Distribution of Information

Information or documents obtained by employees of the Department in the course of any examination, audit, visit, registration, certification, review, licensing or investigation pursuant to the Act, shall, unless made a matter of public record, be deemed confidential. Employees are hereby prohibited from making disclosure of such confidential information or production of documents or any other non-public records of the Department or other governmental agency, unless the Director or the Director's authorized representative authorizes the disclosure of such information or the production of such documents as not being contrary to the public interest.

Section 200.290 Provisions for Granting of Variance from Rules

The Director or the Director's authorized representative may grant variances from these Rules in individual cases where it is determined that:

- a) the provision from which the variance is granted is not statutorily mandated;
- b) no party will be injured by granting the variance; and
- c) the Rule from which the variance is granted would, in the particular case, be unnecessarily burdensome.

SUBPART C: NON-BINDING STATEMENTS AND DECLARATORY RULINGS

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Section 200.310 Request for Non-Binding Statements

a) Required information and format:

- 1) All requests for non-binding statements shall be in writing. The request shall be filed with the Department and shall contain the following:
 - A) a brief summary of the Sections of the Act and of the Sections of this Part to which the request pertains;
 - B) a detailed factual representation concerning every relevant aspect of the proposed transaction, event or circumstance. Requests should be limited to the particular situation, and should not attempt to include every possible type of situation which may arise in the future;
 - C) a discussion of current statutes, rules and legal principles relevant to the facts set forth;
 - D) a statement by the person requesting the non-binding statement which states the person's own opinion in the matter and the basis for such opinion; and
 - E) a representation that the transaction in question has not been commenced or, if it has commenced, the present status of the transaction.
- 2) The Department will not respond to requests for non-binding statements involving the anti-fraud provisions of the Act.
- 3) The Department will not respond to requests for non-binding statements with respect to transactions which have already taken place.
- 4) The Department will not respond to requests based upon hypothetical facts or involving unnamed parties.
- b) Review procedure under the Act:
 - 1) The Department's review of requests for non-binding statements require an in-depth examination of the information presented and the applicable law. Therefore a considerable time period may elapse before the statement

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is issued.

- 2) After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Department shall either decline to issue any findings or issue its finding as to the applicability of the Act to the situation presented in the form of a non-binding statement, stating that it will or will not recommend that enforcement action be initiated against the parties involved if all the facts are true and complete. Facts or conditions different than those presented will require different conclusions and persons other than those requesting the statement should not rely on the statement. Non-binding statements do not have precedent value.

- c) Availability of non-binding statements issued by the Department:

- 1) The Department will maintain an index by statutory Section(s) involved and chronologically of all non-binding statements issued.
- 2) Copies of such statements can be reviewed in the Department's Springfield office and copies thereof obtained upon payment of the cost of duplication as set forth in 2 Ill. Adm. Code 901.80.

200.320 Request for Declaratory Rulings

- a) A person may request a declaratory ruling from the Department by filing a verified petition in the format set forth in Section 200.310 (a) of this Part.
- b) The verified petition shall be directed to and filed with the Director.
- c) The Department will respond to the request within sixty (60) days of receipt.
- d) After a review of the relevant facts presented, in light of existing judicial, legislative and administrative history, the Department shall either decline to issue any findings or issue its finding as to the applicability of the Act to the situation presented in the form of a declaratory ruling. Facts or conditions different than those presented will require different conclusions and persons other than those requesting the

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statement should not rely on the ruling. Declaratory rulings do not have precedent value.

- e) Availability of declaratory rulings issued by the Department:

- 1) The Department will maintain an index by statutory Section(s) involved and chronologically of all declaratory rulings issued.
- 2) Copies of such rulings can be reviewed in the Department's Springfield office and copies thereof obtained upon payment of the cost of duplication as set forth in 2 Ill. Adm. Code 901.80.

SUBPART D: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section 200.400 Preamble

The purpose of this Subpart is to assist all parties subject to the jurisdiction of the Department of Financial Institutions by providing a forum for the orderly determination of rights, duties and privileges of parties appearing before the Director or the Director's authorized representative under procedures assuring such parties due process of law without unnecessary postponements or extended delays.

Section 200.402 Qualifications and Duties of the Administrative Law Judge

- a) The Administrative Law Judge shall meet the following standards and qualifications:
 - 1) be of high integrity and of good personal repute;
 - 2) be admitted to practice law in the State of Illinois and be a member in good standing of the Bar of Illinois for at least three (3) years; and
 - 3) be familiar with the Sections contained in this Part and the Act.
- b) An Administrative Law Judge shall rule on procedure and the admissibility of evidence and shall make findings of fact, conclusions of law and recommendations.
- c) The final decision in all hearings shall be made by the Director or the Director's authorized representative after consideration

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of the findings of fact, conclusions of law, and recommendations of the Administrative Law Judge.

Section 200.404 Notice of Hearing

- a) Unless otherwise required, each respondent shall be given a Notice of Hearing at least forty-five (45) days prior to the first date set for any hearing hereunder. Once such notice is given it will thereafter be the responsibility of the respondent to become acquainted with subsequent hearing dates.

- b) The Notice of Hearing shall include:

- 1) a statement of the time, place and nature of the hearing;
- 2) a statement of the legal authority, and jurisdiction under which the hearing is held;
- 3) a short and plain statement of the matters alleged;
- 4) a statement of financial sanction or relief sought; and
- 5) a concise statement to each respondent that:

- A) the respondent may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate;
- B) failure by any respondent to appear shall constitute default by such respondent unless such respondent has filed an answer or, upon due notice, moved for and obtained a continuance; and
- C) delivery of notice to the designated representative of any respondent constitutes service upon such respondent.

- c) Nothing in this Part shall prevent the Department from scheduling a hearing within ten (10) days of the date on which the Director temporarily suspends or revokes any license under the Act or issues a temporary order.

- d) When a respondent timely requests a hearing on an Order under the Act issued by the Director, the Department shall issue a Notice of Hearing in the form prescribed herein.

- e) Any contention that improper notice was given shall be deemed waived unless it is raised by the respondent prior to argument on any other motion, or commencement of opening statements at the hearing.

- f) Unless otherwise provided, proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, to the last known address of the respondent, or by personal service upon the respondent.

Section 200.406 Institution of a Contested Case by the Department

A contested case is instituted by the Department when a Notice of Hearing is deposited with the United States Postal Service, either by certified or registered mail, return receipt requested, to the last known address of the respondent, or by personal service upon the respondent or as specified in a particular Act.

Section 200.408 Requirement to File an Answer

- a) In each contested case instituted by the Department, each respondent shall file with the Department an Answer within thirty (30) days of the service of the Notice of Hearing or within ten (10) days of each amended Notice of Hearing which materially alters the Notice of Hearing or within ten (10) days of service of a Notice of Hearing issued pursuant to Section 200.404(c) of this Part. Each Answer shall be in writing, signed by each respondent or the respondent's representative, and shall contain a specific response to each allegation in the Notice of Hearing or each new allegation contained in a materially altered Notice of Hearing and set forth affirmative defenses, if any. The response shall either admit or deny each allegation, or shall state that the respondent has insufficient information to admit or deny the allegation.

- b) Any Answer which states that the respondent has insufficient information to admit or deny any allegation shall be accompanied by an affidavit attesting to the truth of this assertion.

- c) If, within thirty (30) days after service of such Notice of Hearing, the respondent does not answer or otherwise file a responsive pleading the respondent shall be held in default.

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Section 200.410 Amendment or Withdrawal of the Notice of Hearing

- a) The Notice of Hearing may be amended at any time to correct pleading or notice deficiencies. An Amended Notice of Hearing, shall be filed in the same manner as a Notice of Hearing, or be presented to the Administrative Law Judge and each respondent during the course of the hearing. A continuance shall be granted by the Administrative Law Judge whenever the amendment materially alters the Notice of Hearing, and where a respondent demonstrates that any respondent would otherwise be unable to properly prepare an Answer to the Amended Notice of Hearing or prepare any respondent's case.
- b) A Notice of Hearing may be withdrawn without prejudice by the Department at any time prior to the hearing. After a hearing has begun, a Notice of Hearing may be withdrawn only upon written notice to, and concurrence by the Administrative Law Judge.

Section 200.412 Representation

- a) Any individual may appear personally on his or her own behalf.
- b) A party may be represented by an attorney. The attorney shall be licensed in Illinois. Attorneys who appear in a representative capacity must file a written notice of appearance setting forth:
 - 1) the name, business address and telephone number of the attorney;
 - 2) the name and address of the party represented; and
 - 3) an affirmative statement indicating that the attorney is licensed in Illinois.
- c) A corporation may be represented by an officer, upon presentation to the Department of a duly executed resolution of the Board of Directors, authorizing the officer to act in a representative capacity and setting forth the powers which the officer is authorized to exercise.
- d) A partnership may be represented by any general partner.
- e) Attorneys appearing before the Department shall conform their conduct to the Illinois Code of Professional Responsibility.

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effective August 1, 1990. Any failure to behave in a manner which permits the efficient functioning of the hearing process shall authorize the Administrative Law Judge to take the following actions:

- 1) substitution of written argument in place of oral argument; or
 - 2) exclusion of an attorney from the proceeding for conduct that impedes an orderly determination of the rights of the parties.
- f) If any of the above actions are taken by the Administrative Law Judge, it shall be done as a matter of record, and the Administrative Law Judge shall state for the record the specific reasons therefor.

Section 200.414 Special Appearance

Prior to filing any other pleading or motion, a special appearance may be made either in person or by attorney for the limited purpose of objecting to the jurisdiction of the Department. Every appearance not expressly designated a special appearance shall be deemed to be a general appearance. If the reasons for objecting to jurisdiction are not apparent from the papers on file in the proceeding, the special appearance shall be supported by affidavit setting forth the reasons. In ruling upon any objection at any hearing, the Administrative Law Judge may consider all matters apparent from the papers on file, affidavits submitted by any party, and any other evidence adduced upon disputed issue of fact. No determination of any issue of fact in connection with the objection is a determination of the merits of the case or any aspect thereof. A ruling adverse to the objector does not preclude him or her from making any motion or defense which he or she might otherwise have made. If the Administrative Law Judge sustains the objection, an appropriate order shall be entered of record after review by a designated representative of the Director. Error in ruling against the objection is not waived by the objector's taking part in further proceedings in the matters.

Section 200.416 Substitution of Parties

An Administrative Law Judge shall order a substitution of parties on his own motion or upon the motions of any party to assure a complete adjudication of the issues presented in a hearing.

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Section 200.418 Failure to Appear

Failure to appear at the time and place set for hearing shall be deemed a waiver of the right to present evidence or otherwise participate at the hearing. After presentation by the Department of proof that the respondent was given proper notice, the Administrative Law Judge shall make a recommendation to the Director. Where the Department fails to appear, the Notice of Hearing will be dismissed.

Section 200.420 Motions

a) Motions shall be made in writing, unless otherwise allowed by the Administrative Law Judge during the course of a hearing. Written motions shall be limited to the following:

- 1) to request dismissal of a Notice of Hearing for failure to state facts which, if true, would form a sufficient basis for the issuance of an Order or other sanctions;
- 2) to request sanctions in accordance with Section 200.412 of this Part;
- 3) to request sanctions in accordance with Section 200.430 of this Part;
- 4) to request dismissal of Notice of Hearing where the Department's case has been concluded without sufficient evidence having been presented to form a basis for the issuance of an Order or other sanction;
- 5) to request a continuance, or extension of time, upon good cause shown in accordance with Section 200.422 of this Part;
- 6) to request an Order granting a rehearing, or additional hearings;
- 7) to request that an Administrative Law Judge deem a failure to file an Answer to be an admission of the truth of the allegations contained in the Notice of Hearing;
- 8) to request that an Administrative Law Judge be disqualified from the hearing, for bias, conflict of interest or prejudice;

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- 9) to request that an Order be vacated or modified;
- 10) to request separation of cases joined by the Department;
- 11) to request that any party be held in default;
- 12) to request consolidation of cases or parties;
- 13) to request an Order limiting a response to a demand for bill of particulars or a request for discovery; and
- 14) to request an Order, consistent with the expedited nature of administrative hearings, extending the time to complete discovery where it cannot be completed within the time limit set forth in Section 200.430 of this Part.

b) When any motion is filed, the Administrative Law Judge may allow oral argument if this is deemed necessary to a fuller understanding of the issues presented. Where facts are alleged as a basis for the request, which are not a part of the record in the case, an affidavit shall be attached to the motion setting forth such facts.

Section 200.422 Requirements Relating to Continuances

- a) A request for continuance of a hearing shall be subject to the discretion of the Administrative Law Judge. Such continuance may be granted, for good cause shown, provided the request is received by the Administrative Law Judge and each party or authorized representative of record not less than five (5) days prior to the latest hearing date unless good cause for a continuance is shown prior to or during the hearing or between hearing dates due to the need for new evidence, sudden unavailability of counsel, sudden illness of a party or an essential witness, or similar reasons. Such request shall be in writing and shall set forth the grounds alleged therefor. Oral requests for continuances shall not be granted unless made during the hearing for good cause. "Good Cause" is shown when a petitioner or respondent demonstrates a real and compelling need for additional time. "A real and compelling need" includes, but is not limited to, service in the armed forces or serious illness, relating to either party, that party's authorized representative of record, or essential witnesses.
- b) A continuance, when granted, shall state a date certain, not

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more than sixty (60) days from the prior scheduled hearing date at which time the hearing shall reconvene.

- c) Continuances may be granted for the purposes of allowing the parties to complete discovery requests made pursuant to Section 200.430 of this Part, but only where upon "Good Cause" shown, in accordance with subsection (a) above, discovery could not be completed prior to the scheduled date of hearing.

Section 200.424 Rules of Evidence

- a) The Administrative Law Judge shall have authority to conduct the hearing, to administer oaths, to examine witnesses, and to rule upon the admissibility of evidence, and to subpoena witnesses or documents at the request of any party.

- b) The technical rules of evidence shall not apply. Any relevant or material evidence may be admitted if it is the sort of evidence relied upon by reasonably prudent men in the conduct of their affairs, regardless of the existence of any common law or statutory rule which excludes the admission of such evidence over objection in civil cases in the Circuit Courts of Illinois. The rules of privilege shall be followed to the same extent that they are recognized in civil or criminal cases in the Circuit Courts of Illinois. Irrelevant, immaterial and unduly repetitious evidence may be excluded. Objections to evidentiary offers must be timely made and noted in the record. When a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct the cross-examination required for a full and fair disclosure of the facts.

- c) Official notice may be taken of matters of which the Circuit Courts of Illinois may take judicial notice. In addition, notice may be taken of the Department's specialized knowledge in the Act. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, and they shall be afforded an opportunity to contest the material so noticed.

- d) Subsections (a), (b) and (c) do not relieve any party from its respective burden of proof or requirement to go forward with the presentation of evidence.

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Section 200.425 Standard of Proof

Unless otherwise provided by law, the standard of proof in any contested case hearing conducted by the Department of Financial Institutions shall be the preponderance of the evidence.

Section 200.426 Form of Papers

All papers filed or submitted to the Department in a contested case shall be typewritten on 8 1/2 by 11 inch white paper. The first page of each document shall set forth the name of each of the respondents and the file number assigned to the case by the Department. All pleadings must be signed by the party filing the same or authorized representative or attorney, and shall contain the party's business address and telephone number. A copy of any pleading shall be filed with the Administrative Law Judge, and the original served upon the attorney of record of the Department.

Section 200.428 Bill of Particulars

- a) Upon written demand made not more than fifteen (15) days after service of the Notice of Hearing and prior to the demanding party filing an answer to the Notice of Hearing, a party shall furnish to other parties a written bill of particulars.
- b) A response to a demand for bill of particulars shall be provided to each other party within ten (10) days of service of the written request.

Section 200.430 Discovery

- a) Discovery shall not be the subject of motions presented to the Administrative Law Judge, except as provided in Section 200.420 of this Part.
- b) Upon written request served on the opposing party, any party shall be entitled to:
 - 1) the name, business and home addresses and telephone number, if available, of each witness who may be called to testify;
 - 2) copies of each document which may be offered as evidence; and
 - 3) a description of any other evidence which may be offered.

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- c) The above information will be provided within ten (10) days of service of a written request.
- d) Whether or not a request is made, during discovery a respondent shall be entitled to:
- 1) any exculpatory evidence in the Department's possession. Exculpatory evidence is any evidence which tends to support the respondent's position or to call into question the credibility of a Department witness; and
 - 2) copies of any investigative report which purports to be a memorandum of interview of the respondent.
- e) Upon a written request served on the respondent at any time after a Notice of Hearing is filed, or at any stage of the hearing, the respondent will be required to produce within ten (10) days of service of a written request non privileged documents, books, records or other evidence which relate to the issues set forth in the Notice of Hearing.
- f) No file of a Department examiner, investigator or attorney shall be subject to discovery except as stated in subsection (d) above relating to exculpatory evidence and memoranda of interviews of a respondent.
- g) In accordance with Section 200.436 of this Part, in large or complex cases, at the discretion of the Administrative Law Judge, a pre-hearing conference with the parties and the Administrative Law Judge may be scheduled in appropriate cases. Consistent with the expedited nature of administrative hearings, the Administrative Law Judge may, at the pre-hearing conference, establish the extent of and schedule for the production of relevant documents and other information, including the deposition of witnesses.
- h) Subject to constitutional privileges and to grants of confidentiality under the Act and the Illinois Freedom of Information Act (Ill. Rev. Stat., ch. 116, par. 201 et seq.) a party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished. The failure of a party to

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- respond to a request within ten (10) days of service shall be deemed to be an admission thereof.
- i) These provisions shall be construed to impose a continuing obligation upon the parties to exchange new information as it becomes available.
- j) The Administrative Law Judge, upon application of any party to a proceeding where there has been a failure to abide by the discovery provisions herein, is authorized to take the following actions:
- 1) limitation of evidence;
 - 2) substitution of written argument in place of oral argument; and
 - 3) exclusion of an attorney from the proceeding for conduct that impeded an orderly determination of the rights of the parties.

Section 200.432 Examination of Witnesses

- a) A party shall conduct examinations or cross-examinations without rigid adherence to formal rules of evidence, provided the examination or cross-examination does not descend to sheer abuse or harassment of a witness and the examination or cross-examination can be shown to be necessary to a full and fair disclosure of facts bearing upon matters in issue.
- b) If the Administrative Law Judge determines that a witness is hostile or unresponsive, the Administrative Law Judge shall authorize the examination by the party calling him or her as if under cross-examination.
- c) The Department may call any adverse party as a witness without vouching for his or her credibility and proceed to examine such adverse party as if under cross-examination. Any party calling a witness, upon showing that he or she called the witness in good faith and is surprised by his or her testimony, may impeach that witness by evidence of prior inconsistent statements.
- d) Oral evidence shall be taken only on oath or affirmation.

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Section 200.434 Subpoenas

- a) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of books, papers, accounts or documents at a hearing in a pending proceeding, shall be issued by the Department upon its own motion, and shall be issued upon application in writing by a party incorporating a showing that any such subpoena is reasonably required.
- b) Applications for subpoenas to compel the production of books, papers, accounts or documents desired shall be verified, and shall specify the books, papers, accounts or documents desired and the material or relevant facts anticipated to be proved by them.
- c) The costs, unless otherwise provided, for the preparation and service of each subpoena and the payment of witness fees shall be borne by the requesting party.
- d) The cost to prepare each Department subpoena shall be \$10.00 and shall be payable to the Department prior to the issuance of the subpoena. The cost to serve each subpoena shall be the same as provided to Sheriffs in Ill. Rev. Stat., ch. 53, par. 71. Notwithstanding, if the Department elects to mail a subpoena, the cost shall be \$5.00 plus the actual cost of certified or registered mail, return receipt requested, payable to the Department of Financial Institutions prior to the issuance of the subpoena. Witness fees shall be the same as provided for in the Fees and Salaries Act (Ill. Rev. Stat., ch. 53, par. 65) relating to witnesses attending trial in the Circuit Courts of Illinois.

Section 200.436 Pre-Hearing Conferences

Upon written request to the Administrative Law Judge by the Department or any respondent, the parties may be directed by the Administrative Law Judge to appear at a specified date, time and place for a pre-hearing conference, prior to the date set for hearing in the particular proceeding or, without notice on the date and at the place set for such hearing and prior to the commencement thereof or during the course of such hearing, for the purpose of formulating issues and considering:

- a) the simplification of issues;
- b) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation with

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respect to matters alleged in any Notice of Hearing;

- c) the possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;
- d) the limitation of the number of witnesses;
- e) the propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and
- f) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

Section 200.438 Record of a Pre-Hearing Conference

Action taken at each pre-hearing conference pursuant to Section 200.436 of this Part shall be recorded in an appropriate ruling by the Administrative Law Judge, unless the parties file a written stipulation as to such matters or agree to a statement thereof made on the record.

Section 200.440 Hearings

The sequence to be followed for each contested case is as follows:

- a) Pre-Hearing Conference - Optional. The purposes are set out in Section 200.436 of this Part; and
- b) Hearings
 - 1) Preliminary matters - Motions, attempts to narrow issues or limit evidence;
 - 2) Opening Statements - The party bearing the burden of proof proceeds first;
 - 3) Case in Chief - Evidence and witnesses are presented by the party bearing the burden of proof. As a witness' testimony is completed, he or she is subject to cross-examination;
 - 4) Defense (including affirmative defense) - Evidence and witnesses may be presented by the opposing parties;
 - 5) Rebuttal;

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- 6) Closing Statements - The party bearing the burden of proof proceeds first, then the opposing party, then a final reply by the party bearing the burden of proof; and
- 7) Administrative Law Judge's Report.

Section 200.442 Record of Proceedings

- a) At each hearing, except as otherwise provided, a permanent and complete record of the proceedings shall be taken at the Department's expense by electronic means or by a "shorthand reporter" as such term is defined in the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat., ch. 111, par. 6204).
- b) The Department upon request of a party shall arrange for the shorthand reporter to provide for such copies of the transcript as any other party may require and at such time as it may require same, provided that such other party shall pay directly to the shorthand reporter the payment for the cost of the transcript including one copy thereof to be furnished the Department for its use in any proceeding for Administrative Review as hereinafter provided, or otherwise.
- c) The requirement set forth in subsection (a) of this Section is not applicable in any case where all respondents have either defaulted, or submitted documents only, and the Department presents no evidence through witness testimony.

Section 200.444 Record of Hearing

- a) The record in a contested case shall include:
 - 1) all pleadings (which shall include all orders or notices of hearing and responses thereto, admissions, stipulations of facts, motions and rulings thereon and in the case of an agreed settlement, stipulation and consent and a consent order);
 - 2) all documentary evidence, if any;
 - 3) a statement of matters officially noticed, if any;
 - 4) a transcript of the proceedings, if required;

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- 5) any opinion, report or recommendation of the Administrative Law Judge to the Director;
- 6) the findings of fact, conclusions of law and recommendations of the Administrative Law Judge;
- 7) any objections or exceptions to the findings of fact, conclusions of law and recommendations of the Administrative Law Judge or portions of the findings of fact, conclusions of law and recommendations of the Administrative Law Judge; and
- 8) the findings of fact, conclusion of law and Order of the Director, shall constitute a final administrative decision within the provisions of the Administrative Review Law (Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.).
- b) The record shall be certified by the Department upon any complaint for administrative review. An index of the record, with each page of the record numbered in sequence, shall be prepared by the Department.
- c) The cost, unless otherwise provided, for the preparation of the record shall be borne by the respondent.

Section 200.446 Orders

- a) The Administrative Law Judge shall prepare findings of fact, conclusions of law, and recommendations to the Director. The findings of fact and conclusions of law shall be stated separately.
- b) Any Order of the Director issued without a hearing pursuant to a temporary order as provided under Section 4 of the Act shall advise the respondent that any action for judicial review of the final order must be commenced within thirty-five (35) days from the date a copy of the Order is served upon the party seeking review, pursuant to the provisions of the Administrative Review Law (Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.).
- c) The Order of the Director shall be the decision of the Department upon issues contested or stipulated to at the hearing, or presented at a hearing in which respondent defaults, or upon issues which are resolved without a hearing pursuant to Section 1010-25(c) of The Illinois Administrative Procedure Act

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(Ill. Rev. Stat., ch. 127, par. 1001-1 et seq.).

- d) The Director after reviewing the hearing record shall, in writing:
 - 1) accept or reject in whole or in part the findings of fact, conclusions of law or the recommendations of the Administrative Law Judge; or
 - 2) require the submission of additional information or documentation; or
 - 3) order the Administrative Law Judge to conduct a rehearing or an additional hearing.
- e) Default orders shall be entered against the respondent, where the respondent fails to appear for the hearing at the scheduled time and date, and has failed to request or been granted a continuance in accordance with Section 200.422 of this Part.
- f) A final Order of the Director shall be in writing. A copy of the final Order shall be delivered or mailed by registered or certified mail, return receipt requested, to each party or representative or attorney at such person's last known address.
- g) The final Order of the Director shall constitute a final administrative decision within the provisions of the Administrative Review Law (Ill. Rev. Stat., ch. 110, pars. 3-101 et seq.).
- h) Final Orders of the Director shall be made available as follows:
 - 1) The Department will maintain an index by statutory section(s) involved in chronological order of all final Orders of the Director.
 - 2) Copies of said Orders may be reviewed at the Department's Springfield office and copies thereof may be obtained upon payment of the cost of duplication as set forth in 2 Ill. Adm. Code 901.80.

Section 200.448 Stipulations

Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding.

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF PROPOSED RULES

provided that the Administrative Law Judge may require proof of any fact by evidence where matters of public interest are involved. At any stage of the hearing, or after all parties have completed the presentation of their evidence, the Administrative Law Judge may call upon any party or the Department for further material or relevant evidence upon any issue.

Section 200.450 Open Hearings

- a) Hearings shall be open to the public and may only be recorded by audio tape provided that such recording shall not disrupt, disturb or impede the hearing, as the Administrative Law Judge shall determine.
- b) All persons, including members of the media, shall be as quiet and as stationary as possible when the hearing is in progress.

Section 200.452 Corrections to the Transcript

Suggested corrections to the transcript of record may be offered within ten (10) days after the transcript is made available to the parties in the proceeding, unless the Administrative Law Judge permits suggested corrections to be offered thereafter. Suggested corrections shall be served upon, or brought to the attention of, each party or attorney therefor whose appearance is of record the official shorthand reporter, and the Administrative Law Judge. If suggested corrections are not objected to, the Administrative Law Judge shall direct the corrections to be made and the manner of making them. In case the parties disagree on suggested corrections, they may be heard by the Administrative Law Judge, who shall then determine the manner in which the record shall be changed, if at all.

1) Heading of the Part: Automobile Anti-Theft Mechanisms

2) Code Citation: 50 Ill. Adm. Code 932

3) Section Numbers:

932.20	Amended
932.40	Amended
932.60	Amended

4) Statutory Authority: Implementing Section 143.28 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 755.28 and 1013).

5) A Complete Description of the Subjects and Issues Involved:
This proposed amendment will do two things:

- 1) It will eliminate the size requirement for glass etching under Section 932.60(a)(3), and
- 2) It will provide a discount for vehicle location or recovery systems.

6) Will this proposed rule replace emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Tim Cena
Department of Insurance
100 West Randolph
Suite 15-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment will not affect small businesses.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 932
AUTOMOBILE ANTI-THEFT MECHANISMS

Section
932.10 Authority
932.20 Definitions
932.30 Scope
932.40 Discounts to Qualified Motor Vehicles
932.50 General Rules Applicable To All Anti-Theft Devices
932.60 Types of Anti-Theft Devices Qualifying for Discounts
932.70 Severability Provision

AUTHORITY: Implementing Section 143.28 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, pars. 755.28 and 1013)

SOURCE: Adopted at 5 Ill. Reg. 5640, effective May 18, 1981; codified at 7 Ill. Reg. 3463; amended at _____ Ill. Reg. _____, effective _____.

Section 932.20 Definitions

"Alarm" means a horn, bell, siren or other sounding device which is audible at 300 feet.

"Lock" means a device primarily designed to prevent the illegal operation of a switch, latch or other mechanism.

"Passive" describes an anti-theft device or system which is activated automatically when the driver turns the ignition key to the off position and the key is removed.

"Redundant Starting Means" means a switch in addition to the primary ignition switch which makes the ignition or starter system inoperable and which is not visible from the driver's position or which is disguised or protected by a separately installed lock.

"Vehicle Location or Recovery System" means an electronic unit installed in a vehicle that is or can be activated after the vehicle is stolen and/or reported stolen. When activated the device will provide information for law

DEPARTMENT OF INSURANCE

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enforcement officials, the user, or another public or private entity regarding the vehicle and its location.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 932.40 Discounts to Qualified Motor Vehicles

All insurance companies insuring motor vehicles which contain anti-theft devices as described herein shall allow the following discounts on comprehensive coverage in respect to qualifying motor vehicles.

- a) Category 1 devices shall receive a 5% discount.
- b) Category 2 devices shall receive a 10% discount.
- c) Category 3 devices shall receive a 15% discount.
- d) Category 4 devices shall receive a 25% discount.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 932.60 Types of Anti-Theft Devices Qualifying for Discounts

a) Category 1:

- 1) Ignition or starter cut-off switch. A non-passive internally activated device which disables the vehicle by making the ignition or starter system inoperable. The switch must be installed so that it is not visible from the driver's position where the driver is seated unless protected by a separately installed lock.
- 2) A non-passive operated alarm meeting the following standards:
 - A) The alarm must be triggered by entry of doors, hood and trunk.
 - B) The hood must be equipped with either a hood lock and latch mechanism or an inside hood latch control.
 - C) If the system is equipped with a motion

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detector, the alarm must sound for no more than 10 minutes and upon ceasing, the alarm must reset itself.

- D) The alarm must be installed in the engine compartment so as to be inaccessible without opening the hood.
- E) The switch must be installed so that it is not visible from the driver's seat unless protected by a separately installed lock.
- F) If the system is internally inactivated, the maximum time delay permitted to disarm the system after re-entry is 20 seconds.
- 3) Window identification system in which the complete manufacturer's ID number (vehicle identification number) is etched by a tool which will not destroy the integrity of the glass into all the windows of the vehicle other than small vent windows and on or near the front or rear bumpers. The identification letters/numbers must be at least 1/4" in height. A sticker may identify the presence of this system. This discount may be applied to a vehicle with an external hood release.

b) Category 2:

- 1) A passive alarm system meeting the standards described in (c)(1) of this Section but which also includes a motion detection device which cannot be disarmed independently from the remainder of the system.
- 2) A non-passive internally operated alarm meeting the criteria of (a)(2) of this Section and equipped with a forced action prompter which activates the horn or flashes the headlights for a minimum of five minutes upon removing the key without first setting the alarm.

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- 3) High Security Ignition Replacement Lock which cannot be removed using a conventional slide hammer or lock puller equipment installed in a vehicle with a metal lock and steering wheel housing.
- 4) A sticker may identify the presence of this system.

c) Category 3:

- 1) A passive alarm system which meets the following criteria:
 - A) The alarm must be triggered by entry of doors, hood and trunk.
 - B) The hood must be equipped with either a hood lock and latch mechanism or an inside hood latch control.
 - C) If equipped with a motion detector, the alarm must sound for no more than ten minutes and upon ceasing, must reset itself.
 - D) The alarm must be installed in the engine compartment so as to be inaccessible without opening the hood.
 - E) The maximum time delay permitted to disarm the system after re-entry is 20 seconds.
 - F) If equipped with a motion detection device which sounds the alarm upon lifting or shaking the automobile, provision must be made for separately disarming the shaker switch independently of the remainder of the system.
 - G) The system is equipped with either a redundant starting means or an internal hood lock meeting the standards of Section 932.50(d).
- 2) Passive fuel cut-off switch which requires the driver to trip a switch to open the fuel line each time the car is started and which meets the following criteria:
 - A) The fuel line must be blocked when the power is

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off.

B) The switch to open the fuel line must be well hidden from view but accessible to the driver from the driver's seat.

C) In normal operation, the automobile must not be able to be started unless the fuel cut-off switch is tripped and the fuel line is opened.

D) A parking/service attendant override switch may be provided. It must be disguised or hidden from view.

3) Passive ignition cut-off system. This system disables one or more components such that the engine cannot be started or hot-wired. Such device must meet these criteria:

A) If designed to disable the ignition circuit at a present engine speed, the ignition must cut off automatically as soon as the engine reaches a speed in the range of 1000 to 1700 RPM.

B) The disconnect/grounding wiring must blend with factory installed wiring.

C) A push button or other type of disarm switch must be disguised or hidden from view unless operated by a separately installed lock.

D) A parking service attendant override switch may be provided but must be disguised or hidden from view.

d) Category 4:

A vehicle location or recovery system. If the vehicle additionally contains an anti-theft device that qualifies under Category 1, 2 or 3, an additional 5% discount shall be allowed.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

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1) Heading of the Part: Groundwater Quality

2) Code Citation: 35 Ill. Adm. Code 620

3) Section Numbers: Proposed Action:

620.450

Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7458 and 1027.

5) A Complete Description of the Subjects and Issues Involved: A complete description is contained in the Board's Proposed Opinion of April 23, 1992, in R89-14(C), which Opinion is available from the address below or (312) 814-3620. The proposed amendments are to change the citation to 303.203 to 302. Subparts B and C, because it is the standards of Subparts B and C to which the coal mining facilities are subject. This eliminates the need to first look at the applicability section of 303.203, and then to the standards of 302. Subparts B and C. The phrase "except due to natural causes" is added here as that concept was contained in section 303.203. Interested persons are referred to the separate notice pertaining to the section 303.203 amendments.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

The proposed amendment would not require a local government establish to expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
This Board will accept written public comment on this

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proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-14(C) and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Suite, Suite 11-500
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: April 23, 1992
- B) Types of small businesses affected: None are affected.
- C) Reporting, bookkeeping or other procedures required for compliance: None are required.
- D) Types of professional skills necessary for compliance: None are required.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 620
GROUNDWATER QUALITY
SUBPART A: GENERAL

Section	Purpose
620.105	Definitions
620.110	Prohibition
620.115	Incorporations by Reference
620.125	Exemption from General Use Standards and Public and Food Processing Water Supply Standards
620.130	Exclusion for Underground Water in Certain Man-Made Conduits
620.135	

SUBPART B: GROUNDWATER CLASSIFICATION

Section	Groundwater Designations
620.201	Class I: Potable Resource Groundwater
620.210	Class II: General Resource Groundwater
620.220	Class III: Special Resource Groundwater
620.230	Class IV: Other Groundwater
620.240	Groundwater Management Zone
620.250	Reclassification of Groundwater by Adjusted Standard
620.260	

SUBPART C: NONDEGRADATION PROVISIONS FOR APPROPRIATE GROUNDWATERS

Section	General Prohibition Against Use Impairment of Resource Groundwater
620.301	Applicability of Notification Limitations and Preventive Response Activities
620.302	Notification Limitations and Procedures
620.305	Preventive Response Activities
620.310	

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section	Applicability
620.401	General Prohibitions Against Violations of Groundwater Quality Standards
620.405	

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620.410	Groundwater Quality Standards for Class I: Potable Resource Groundwater
620.420	Groundwater Quality Standards for Class II: General Resource Groundwater
620.430	Groundwater Quality Standards for Class III: Special Resource Groundwater
620.440	Groundwater Quality Standards for Class IV: Other Groundwater
620.450	Alternative Groundwater Quality Standards

SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

Section	Compliance Procedures
620.505	Monitoring and Analytical Requirements
620.510	

SUBPART F: HEALTH ADVISORIES

Section	Purpose of a Health Advisory
620.601	Issuance of a Health Advisory
620.605	Publishing Health Advisories
620.610	Additional Health Advice for Mixtures of Similar-Acting Substances
620.615	

620. Appendix A Procedures for Determining Human Threshold

Toxicant Advisory Concentration for Class I:
Potable Resource Groundwater

620. Appendix B Procedures for Determining Hazard Indices for Class I: Potable Resource Groundwater for Mixtures of Similar-Acting Substances

620. Appendix C Guidelines for Determining When Dose Addition of Similar-Acting Substances in Class I: Potable Resource Groundwaters is Appropriate

AUTHORITY: Implementing and authorized by Section 8 of the Illinois Groundwater Protection Act (Ill. Rev. Stat. 1999, ch. 111 1/2, par. 7458).

SOURCE: Adopted at 15 Ill. Reg. 17614, effective November 25, 1991, amended in R89-14(C) at _____ Ill. Reg. _____, effective _____.

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section 620.450	Alternative Groundwater Quality Standards
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NOTICE OF PROPOSED AMENDMENT

a) Groundwater Quality Restoration Standards

- 1) Any chemical constituent in groundwater within a groundwater management zone is subject to this Section.
- 2) Except as provided in subsections (a)(3) or (a)(4), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 apply to any chemical constituent in groundwater within a groundwater management zone.
- 3) Prior to completion of a corrective action described in Section 620.250(a), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 are not applicable to such released chemical constituent, provided that the initiated action proceeds in a timely and appropriate manner.
- 4) After completion of a corrective action as described in Section 620.250(a), the standard for such released chemical constituent is:
 - A) The standard as set forth in Section 620.410, 620.420, 620.430, or 620.440, if the concentration as determined by groundwater monitoring of such constituent is less than or equal to the standard for the appropriate class set forth in those sections; or
 - B) The concentration as determined by groundwater monitoring, if such concentration exceeds the standard for the appropriate class set forth in Section 620.410, 620.420, 620.430, or 620.440 for such constituent, and:
 - i) To the extent practicable, the exceedence has been minimized and beneficial use, as appropriate for the class of groundwater, has been returned; and
 - ii) Any threat to public health or the environment has been minimized.

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- 5) The Agency shall develop and maintain a listing of concentrations derived pursuant to subsection (a)(4)(B). This list shall be made available to the public and be updated periodically, but no less frequently than semi-annually. This listing shall be published in the Environmental Register.

b) Coal Reclamation Groundwater Quality Standards

- 1) Any inorganic chemical constituent or pH in groundwater, within an underground coal mine, or within the cumulative impact area of groundwater for which the hydrologic balance has been disturbed from a permitted coal mine area pursuant to the Surface Coal Mining Land Conservation and Reclamation Act (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 7901.1 et seq., as amended) and 62 Ill. Adm. Code 1700 through 1850, is subject to this Section.
- 2) Prior to completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a) and (e), 620.430 and 620.440 are not applicable to inorganic constituents and pH.
- 3) After completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a), 620.430, and 620.440 are applicable to inorganic constituents and pH, except:
 - A) The concentration of total dissolved solids (TDS) must not exceed:
 - i) The post-reclamation concentration or 3000 mg/L, whichever is less, for groundwater within the permitted area; or
 - ii) The post-reclamation concentration of TDS must not exceed the post-reclamation concentration or 5000 mg/L, whichever is less, for groundwater in underground coal mines and in permitted areas reclaimed after surface coal mining if the Illinois Department of Mines and

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Minerals and the Agency have determined that no significant resource groundwater existed prior to mining (62 Ill. Adm. Code 1780.21(f) and (g)); and

- B) For chloride, iron, manganese and sulfate, the post-reclamation concentration within the permitted area must not be exceeded.
- C) For pH, the post-reclamation concentration within the permitted area must not be exceeded within Class I: Potable Resource Groundwater as specified in Section 620.210(a)(4).
- 4) A refuse disposal area (not contained within the area from which overburden has been removed) is subject to the inorganic chemical constituent and pH requirements of:
 - A) 35 Ill. Adm. Code ~~303-203~~ 302.Subparts B and C, except due to natural causes, for such area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;
 - B) Section 620.440(c) for such area that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or
 - C) Subpart D for such area that is placed into operation on or after the effective date of this Part.
- 5) For a refuse disposal area (not contained within the area from which overburden has been removed) that was placed into operation prior to February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(4)(c) and the following applies to the additional area:
 - A) 35 Ill. Adm. Code ~~303-203~~ 302.Subparts B and C, except due to natural causes, for such area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;
 - B) Section 620.440(c) for such area that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or
 - C) Subpart D for such area that is placed into operation on or after the effective date of this Part.

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- A) 35 Ill. Adm. Code 303-203 302.Subparts B and C, except due to natural causes, for such additional refuse disposal area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or potential source of water for public or food processing; and

- B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.

- 6) A coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, sludge or other precipitated process material, is subject to the inorganic chemical constituent and pH requirements of:

- A) 35 Ill. Adm. Code 303-203 302.Subparts B and C, except due to natural causes, for such plant that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;

- B) Section 620.440(c) for such plant that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or

- C) Subpart D for such plant that is placed into operation on or after the effective date of this Part.

- 7) For a coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, sludge or other precipitated process material, that was placed into operation prior to February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(6)(C) and the following applies to the additional area:

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- A) 35 Ill. Adm. Code 303-203 302.Subparts B and C, except due to natural causes, for such additional area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing; and

- B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

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- 1) Heading of the Part: New Activities In A Setback Zone or Regulated Recharge Area
- 2) Code Citation: 35 Ill. Adm. Code 616
- 3) Section Numbers: Proposed Action:
616.104 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1005, 1014.4, 1021, 1022, and 1027.
- 5) A Complete Description of the Subjects and Issues Involved: A complete description is contained in the Board's Proposed Opinion of April 23, 1992, in R89-14(C), which Opinion is available from the address below or (312) 814-3620. The proposed amendment would replace a phrase contained in statutory language that was inadvertently dropped in the text of the adopted section 616.104.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives:
The proposed amendment would not require a local government establish to expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
This Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-14(C) and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Suite, Suite 11-500
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
April 23, 1992
- B) Types of small businesses affected:
None are affected.
- C) Reporting, bookkeeping or other procedures required for compliance:
None are required.
- D) Types of professional skills necessary for compliance:
None.

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE F: PUBLIC WATER SUPPLIES
 CHAPTER I: POLLUTION CONTROL BOARD

PART 616

NEW ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE AREA

SUBPART A: GENERAL

Section
 616.101
 616.102
 616.104
 616.105

Purpose
 Definitions
 Exceptions to Prohibitions
 General Exceptions

SUBPART B: GROUNDWATER MONITORING REQUIREMENTS

Section
 616.201
 616.202
 616.203
 616.204
 616.205
 616.206
 616.207
 616.208
 616.209
 616.210
 616.211

Applicability
 Compliance Period
 Compliance With Groundwater Standards
 Groundwater Monitoring System
 Groundwater Monitoring Program
 Reporting
 Determining Background Values and Maximum Allowable Results ("WMARS")
 Continued Sampling
 Preventive Notification and Preventive Response
 Corrective Action Program
 Alternative Corrective Action Demonstration

SUBPART C: GENERAL CLOSURE AND POST-CLOSURE REQUIREMENTS

Section
 616.301
 616.302
 616.303
 616.304
 616.305
 616.306
 616.307

Applicability
 Closure Performance Standard
 Certification of Closure
 Survey Plat
 Post-Closure Notice for Waste Disposal Units
 Certification of Completion of Post-Closure Care
 Post-Closure Care Period

SUBPART D: ON-SITE LANDFILLS

Section
 616.401
 616.402

Applicability
 Prohibitions

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SUBPART E: ON-SITE LAND TREATMENT UNITS

Section
 616.421
 616.422
 616.423
 616.424
 616.425

Applicability
 Prohibitions
 Groundwater Monitoring
 Design and Operating Requirements
 Closure and Post-Closure Care

SUBPART F: ON-SITE SURFACE IMPOUNDMENTS

Section
 616.441
 616.442
 616.443
 616.444
 616.445
 616.446
 616.447

Applicability
 Prohibitions
 Groundwater Monitoring
 Design Requirements
 Inspection Requirements
 Operating Requirements
 Closure and Post-Closure Care

SUBPART G: ON-SITE WASTE PILES

Section
 616.461
 616.462
 616.463
 616.464

Applicability
 Prohibitions
 Design and Operating Requirements
 Closure

SUBPART H: UNDERGROUND STORAGE TANKS

Section
 616.501
 616.502

Applicability
 Design and Operating Requirements

SUBPART I: PESTICIDE STORAGE AND HANDLING UNITS

Section
 616.601
 616.602
 616.603
 616.604
 616.605

Applicability
 Prohibitions
 Groundwater Monitoring
 Design and Operating Requirements
 Closure and Post-Closure Care

SUBPART J: FERTILIZER STORAGE AND HANDLING UNITS

Section
 616.621

Applicability

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616.622 Prohibitions
 616.623 Groundwater Monitoring
 616.624 Design and Operating Requirements
 616.625 Closure and Post-Closure Care

SUBPART K: ROAD OIL STORAGE AND HANDLING UNITS

Section
 616.701 Applicability
 616.702 Prohibitions
 616.703 Groundwater Monitoring
 616.704 Design and Operating Requirements for Above-Ground Storage Tanks
 616.705 Closure

SUBPART L: DE-ICING AGENT STORAGE AND HANDLING UNITS

Section
 616.721 Applicability
 616.722 Prohibitions
 616.723 Groundwater Monitoring
 616.724 Design and Operating Requirements for Indoor Storage Facilities
 616.725 Closure

AUTHORITY: Implementing and authorized Sections 5, 14.4, 21, 22, and 27 of the Environmental Protection Act (Ill. Rev. Stat. 198991, ch. 111 1/2, pars. 1005, 1014.4, 1021, 1022, and 1027).

SOURCE: Adopted in R89-5 at 16 Ill. Reg. 1592, effective January 10, 1992; amended in R89-14(C) _____ Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL

Section 616.104 Exceptions to Prohibitions

- a) THE OWNER OF A NEW POTENTIAL PRIMARY SOURCE OR A POTENTIAL SECONDARY SOURCE MAY SECURE A WAIVER FROM THE prohibitions specified in Sections 616.402(a), 616.422(a), 616.442, 616.462(a), 616.602, 616.622, 616.702 or 616.722(a) against construction or operation within the setback zone FOR A POTABLE WATER SUPPLY WELL OTHER THAN A COMMUNITY WATER SUPPLY. A WRITTEN REQUEST FOR A WAIVER SHALL BE MADE TO THE

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OWNER OF THE WATER WELL AND THE AGENCY. SUCH REQUEST SHALL IDENTIFY THE NEW OR PROPOSED POTENTIAL SOURCE, SHALL GENERALLY DESCRIBE THE POSSIBLE EFFECT OF SUCH POTENTIAL SOURCE UPON THE WATER WELL AND ANY APPLICABLE TECHNOLOGY-BASED CONTROL WHICH WILL BE UTILIZED TO MINIMIZE THE POTENTIAL FOR CONTAMINATION, AND SHALL STATE WHETHER, AND UNDER WHAT CONDITIONS, THE REQUESTOR WILL PROVIDE AN ALTERNATIVE POTABLE WATER SUPPLY. WAIVER MAY BE GRANTED BY THE OWNER OF THE WATER WELL NO LESS THAN 90 DAYS AFTER RECEIPT UNLESS PRIOR TO SUCH TIME THE AGENCY NOTIFIES THE WELL OWNER THAT IT DOES NOT CONCUR WITH THE REQUEST. (Section 14.2(b) of the Act)

- b) THE AGENCY SHALL NOT CONCUR WITH ANY SUCH REQUEST WHICH FAILS TO ACCURATELY DESCRIBE REASONABLY FORESEEABLE EFFECTS OF THE POTENTIAL SOURCE OR POTENTIAL ROUTE UPON THE WATER WELL OR ANY APPLICABLE TECHNOLOGY-BASED CONTROLS. SUCH NOTIFICATION BY THE AGENCY SHALL BE IN WRITING, AND SHALL INCLUDE A STATEMENT OF REASONS FOR THE NONCONCURRENCE. WAIVER OF THE MINIMUM SETBACK ZONE SHALL EXTINGUISH THE WATER WELL OWNER'S RIGHTS UNDER SECTION 6b OF THE ILLINOIS WATER WELL CONSTRUCTION CODE BUT SHALL NOT PRECLUDE ENFORCEMENT OF ANY LAW REGARDING WATER POLLUTION. IF THE OWNER OF THE WATER WELL HAS NOT GRANTED A WAIVER WITHIN 120 DAYS AFTER RECEIPT OF THE REQUEST OR THE AGENCY HAS NOTIFIED THE OWNER THAT IT DOES NOT CONCUR WITH THE REQUEST, THE OWNER OF A POTENTIAL SOURCE OR POTENTIAL ROUTE MAY FILE A PETITION FOR AN EXCEPTION WITH THE BOARD AND THE AGENCY PURSUANT TO subsection (b) OF THIS SECTION. (Section 14.2(b) of the Act)

- c) NO WAIVER UNDER THIS SECTION IS REQUIRED WHERE THE POTABLE WATER SUPPLY WELL IS PART OF A PRIVATE WATER SYSTEM AS DEFINED IN THE ILLINOIS GROUNDWATER PROTECTION ACT, AND THE OWNER OF SUCH WELL WILL ALSO BE THE OWNER OF A NEW POTENTIAL SECONDARY SOURCE OR A POTENTIAL ROUTE. IN SUCH INSTANCES, A PROHIBITION OF 75 FEET SHALL APPLY AND THE OWNER SHALL NOTIFY THE AGENCY OF THE INTENDED ACTION SO THAT THE AGENCY MAY PROVIDE INFORMATION REGARDING THE POTENTIAL HAZARDS ASSOCIATED WITH LOCATION OF A POTENTIAL SECONDARY SOURCE OR POTENTIAL ROUTE IN CLOSE PROXIMITY TO A POTABLE WATER SUPPLY WELL. (Section 14.2(b) of the Act)

- d) THE BOARD MAY GRANT AN EXCEPTION FROM THE SETBACK REQUIREMENTS OF THIS SECTION AND SECTION 14.3 TO THE OWNER OF A NEW POTENTIAL PRIMARY SOURCE OTHER THAN LANDFILLING OR LAND TREATING, OR A NEW POTENTIAL SECONDARY SOURCE. THE

POLLUTION CONTROL BOARD

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OWNER SEEKING AN EXCEPTION WITH RESPECT TO A COMMUNITY WATER SUPPLY WELL SHALL FILE A PETITION WITH THE BOARD AND THE AGENCY. THE OWNER SEEKING AN EXCEPTION WITH RESPECT TO A POTABLE WATER SUPPLY WELL SHALL FILE A PETITION WITH THE BOARD AND THE AGENCY, AND SET FORTH THEREIN THE CIRCUMSTANCES UNDER WHICH A WAIVER HAS BEEN SOUGHT BUT NOT OBTAINED PURSUANT TO subsection (a) OF THIS SECTION. A PETITION SHALL BE ACCOMPANIED BY PROOF THAT THE OWNER OF EACH POTABLE WATER SUPPLY WELL FOR WHICH SETBACK REQUIREMENTS WOULD BE AFFECTED BY THE REQUESTED EXCEPTION HAS BEEN NOTIFIED AND BEEN PROVIDED WITH A COPY OF THE PETITION. A PETITION SHALL SET FORTH SUCH FACTS AS MAY BE REQUIRED TO SUPPORT AN EXCEPTION, INCLUDING A GENERAL DESCRIPTION OF THE POTENTIAL IMPACTS OF SUCH POTENTIAL SOURCE OR POTENTIAL ROUTE UPON GROUNDWATERS AND THE AFFECTED WATER WELL, AND AN EXPLANATION OF THE APPLICABLE TECHNOLOGY-BASED CONTROLS WHICH WILL BE UTILIZED TO MINIMIZE THE POTENTIAL FOR CONTAMINATION OF THE POTABLE WATER SUPPLY WELL. (Section 14.2(c) of the Act)

e) THE BOARD SHALL GRANT AN EXCEPTION, WHENEVER IT IS FOUND UPON PRESENTATION OF ADEQUATE PROOF, THAT COMPLIANCE WITH THE SETBACK REQUIREMENTS OF THIS SECTION WOULD POSE AN ARBITRARY AND UNREASONABLE HARDSHIP UPON THE PETITIONER, THAT THE PETITIONER WILL UTILIZE THE BEST AVAILABLE TECHNOLOGY CONTROLS ECONOMICALLY ACHIEVABLE TO MINIMIZE THE LIKELIHOOD OF CONTAMINATION OF THE POTABLE WATER SUPPLY WELL, THAT THE MAXIMUM FEASIBLE ALTERNATIVE SETBACK WILL BE UTILIZED, AND THAT THE LOCATION OF SUCH POTENTIAL SOURCE OR POTENTIAL ROUTE WILL NOT CONSTITUTE A SIGNIFICANT HAZARD TO THE POTABLE WATER SUPPLY WELL. (Section 14.2(c) of the Act)

f) A DECISION MADE BY THE BOARD PURSUANT TO THIS SUBSECTION SHALL CONSTITUTE A FINAL DETERMINATION. (Section 14.2(c) of the Act)

g) THE GRANTING OF AN EXCEPTION BY THE BOARD SHALL NOT EXTINGUISH THE WATER WELL OWNER'S RIGHTS UNDER SECTION 6b OF THE ILLINOIS WATER WELL CONSTRUCTION CODE IN INSTANCES WHERE THE OWNER HAS ELECTED NOT TO PROVIDE A WAIVER PURSUANT TO subsection (a) OF THIS SECTION. (Section 14.2(a) of the Act)

(Source: Amended at _____ Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Water Use Designations and Site Specific Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 303

3) Section Numbers: 303.203
Proposed Action: Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1013 and 1027.

5) A Complete Description of the Subjects and Issues Involved: A complete description is contained in the Board's Proposed Opinion of April 23, 1992, in R89-14(C), which Opinion is available from the address below or (312) 814-3620. The Board received public comments which suggested a major change in lieu of the amendments proposed at 15 Ill. Reg. 17026 (December 2, 1992). Therefore, the Board believed a return to first notice and withdrawal of previous proposed amendments is warranted. The commenters (Illinois Environmental Protection Agency, Illinois Steel Group, and Illinois Department of Mines and Minerals) "agree that the general water and public water supply standards of Section 303.203 are not appropriate for underground waters." (P.C. #71 at 1-2.) The Board's proposed language would delete the applicability of 302. Subparts B and C to underground waters, except as provided in 35 Ill. Adm. Code 620.450(b).

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

The proposed amendment would not require a local government establish to expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
This Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R89-14(C) and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center
100 W. Randolph Suite, Suite 11-500
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs:
April 23, 1992
- B) Types of small businesses affected:
None are affected.
- C) Reporting, bookkeeping or other procedures required for compliance:
None are required.
- D) Types of professional skills necessary for compliance:
None.

The full text of the Proposed Amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 303
WATER USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

SUBPART A: GENERAL PROVISIONS

Section
303.100 Scope and Applicability
303.101 Multiple Designations
303.102 Rulemaking Required

SUBPART B: NONSPECIFIC WATER USED DESIGNATIONS

Section
303.200 Scope and Applicability
303.201 General Use Waters
303.202 Public and Food Processing Water Supplies
303.203 Underground Waters
303.204 Secondary Contact and Indigenous Aquatic Life Waters

SUBPART C: SPECIFIC USE DESIGNATIONS AND SITE SPECIFIC
WATER QUALITY STANDARDS

Section
303.300 Scope and Applicability
303.301 Organization
303.311 Ohio River Temperature
303.312 Waters Receiving Fluorspar Mine Drainage
303.321 Wabash River Temperature
303.322 Unnamed Tributary of the Vermillion River
303.323 Sugar Creek and Its Unnamed Tributary
303.331 Mississippi River North Temperature
303.341 Mississippi River North Central Temperature
303.351 Mississippi River South Central Temperature
303.352 Unnamed Tributary of Wood River Creek
303.353 Shoenberger Creek; Unnamed Tributary of Cahokia Canal
303.361 Mississippi River South Temperature
303.430 Unnamed Tributary to Dutch Creek
303.431 Long Point Slough and Its Unnamed Tributary
303.441 Secondary Contact Waters
303.442 Waters Not Designated for Public Water Supply
303.443 Lake Michigan

POLLUTION CONTROL BOARD

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SUBPART D: THERMAL DISCHARGES

- Section
303.500 Scope and Applicability
303.502 Lake Sangchris Thermal Discharges
303. Appendix A References to Previous Rules
303. Appendix B Sources of Codified Sections

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987²¹, ch. 111 1/2, pars. 1013 and 1027).

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 27, p. 221, effective July 5, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 5 Ill. Reg. 11592, effective October 19, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended in R87-27 at 12 Ill. Reg. 9917, effective May 27, 1988; amended in R87-2 at 13 Ill. Reg. 15649, effective September 22, 1989; amended in R87-36 at 14 Ill. Reg. 9460, effective May 31, 1990; amended in R86-14 at 14 Ill. Reg. 20724, effective December 18, 1990; amended in R89-14(C) _____ Ill. Reg. _____, effective _____.

SUBPART B: NONSPECIFIC WATER USE DESIGNATIONS

Section 303.203 Underground Waters

35 Ill. Adm. Code 302. Subparts B and C do not apply to underground waters, except as provided at 35 Ill. Adm. Code 620.450(b). The underground waters of Illinois which are a present or a potential source of water for public or food processing supply shall meet the general use and public and food processing water supply standards of Subparts B and C, Part 302, except due to natural causes.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Proposed Action:
100.3700 Amendment
100.9920 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 120, pars. 2-203, 3-304 and 10-1005

- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends Section 100.3700 of the Department's rules to establish a presumption that Subpart F income is passive income and is not includable in either the numerator or denominator of the sales factor in determining the amount of income of a taxpayer to be apportioned to the State of Illinois. The reference to "Subpart F" refers to Subpart F of the Internal Revenue Code (26 U.S.C.A. 951-964). Subpart F income is presumed to be business income, and is included in the taxpayer's apportionable base income for pre-1988 years. With the amendment of Section 203(b)(2)(O) of the Illinois Income Tax Act by P.A. 84-1455, for post-1988 years Subpart F income is no longer included in income to be apportioned. However, the fact that Subpart F income has been removed from the tax base was not a per se determination that it should not be included in the computation of the apportionment formula provided at Section 304(a) of the Act, but rather creates a rebuttable presumption that Subpart F income should not be included. After careful study, the Department has determined that there may be cases in which a taxpayer may wish to rebut this presumption and include the Subpart F income in the sales factor. Therefore, the Department has amended Section 100.3700 to establish a rebuttable presumption that Subpart F income is not includable in either the numerator or denominator of the sales factor, thereby allowing taxpayers the right to contest this determination by identifying specific income producing activities and siting them to a specific state, if possible. The burden of proof is on the taxpayer to identify the income producing activities that generated the Subpart F income and to situs those activities within a particular state.

Section 1005 of the Illinois Income Tax Act provides for a penalty for underpayment of tax in the amount of 6% per annum upon the tax underpayment unless it is shown that such failure is due to reasonable cause. This rulemaking proposes new Section 100.9920 which sets forth the standards utilized by the Department in determining whether reasonable cause exists for the abatement of the Section 1005 underpayment penalty.

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NOTICE OF PROPOSED AMENDMENTS

86 ILLINOIS ADMINISTRATIVE CODE
CH. I, SEC. 100

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section 100.2000	Personal Property Tax Replacement Income Tax (hereinafter PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - In General (IIITA Section 201) (Repealed)
100.2050	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryover Items (IIITA Section 201) (Repealed)
100.2100	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Carryback Items (IIITA Section 201) (Repealed)
100.2150	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Partnership Income (IIITA Section 201) (Repealed)
100.2200	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to July 1, 1979, and Ending After June 30, 1979 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IIITA Section 201) (Repealed)
100.2250	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - In General (IIITA Section 201) (Repealed)
100.2300	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryover Items (IIITA Section 201) (Repealed)
100.2350	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Carryback Items (IIITA Section 201) (Repealed)
100.2400	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Partnership Income (IIITA Section 201) (Repealed)

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- 6) Will this proposed rule replace an emergency rule currently in effect: no.
- 7) Does this rulemaking contain an automatic repeal date? no
- 8) Does this proposed amendment contain incorporations by reference? no
- 9) Are there any other proposed amendments pending on this Part: no
- 10) Statement of Statewide Policy Objectives: This rulemaking neither creates a state mandate, nor modifies any existing state mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Constance W. Beard
Manager
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 785-8256
- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
 - B) Types of small businesses affected: Any small business that underpays Illinois Income Tax or incurs Subpart F income.
 - C) Reporting, bookkeeping or other procedures required for compliance: No additional reporting, bookkeeping or other procedures are required for compliance.
 - D) Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

100.2450	Personal Property Tax Replacement Income Tax (PPTRIT) for Taxable Years Beginning Prior to January 1, 1981, and Ending After December 31, 1980 - Specific Accounting - Long Term Contracts Reported on the Completed Contract Method (IITA Section 201) (Repealed)
100.2500	Scope of 86 Ill. Adm. Code 100.2000 through 100.2450 (Repealed)
100.2550	Net Income (IITA Section 202)
100.2560	Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2561	Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2562	Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2563	Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2564	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2565	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership Special Transitional Rules (IITA Section 202) (Repealed)
100.2600	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope
100.2650	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions
100.2675	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2700	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards
100.2750	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2800	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year.
100.2850	Investment Tax Credits
100.2900	Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside For Charity

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section	Terms Used in Article 3 (IITA Section 301)
100.3000	Business and Nonbusiness Income (IITA Section 301)
100.3050	Compensation (IITA Section 302)
100.3100	State (IITA Section 302)
100.3150	Taxability in Other State (IITA Section 303)
100.3200	Resident (IITA Section 301)
100.3250	Commercial Domicile (IITA Section 303)
100.3300	Allocation and Apportionment of Base Income (IITA Section 304)
100.3350	Allocation of Compensation Paid to Nonresidents (IITA Section 302)
100.3400	Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)
100.3450	Business Income of Persons Other than Residents (IITA Section 304) In General
100.3500	Business Income of Persons Other Than Residents (IITA Section 304) Apportionment
100.3510	Business Income of Persons Other Than Residents (IITA Section 304) Allocation
100.3520	Business Income of Persons Other Than Residents (IITA Section 304)
100.3530	Business Income of Persons Other Than Residents (IITA Section 304)
100.3550	Property Factor (IITA Section 304)
100.3600	Payroll Factor (IITA Section 304)
100.3650	Sales Factor (IITA Section 304)
100.3700	Special Rules (IITA Section 304)

SUBPART C: RECORDS, RETURNS AND NOTICES

Section	Time for Filing Returns: (IITA Section 505)
100.5200	Time for Filing Returns: Corporations (IITA Section 505) (Repealed)
100.5250	Time for Filing Returns: Cooperatives (IITA Section 505) (Repealed)
100.5300	Time for Filing Returns: Partnerships (IITA Section 505) (Repealed)
100.5350	Time for Filing Returns: Estates and Trusts (IITA Section 505) (Repealed)
100.5400	Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5450	Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5500	Short Year Returns of Newly Acquired Subsidiaries (IITA Section 505) (Repealed)
100.5600	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5700	Composite Returns: Eligibility
100.5702	Composite Returns: Responsibilities of Authorized Agent
100.5704	Composite Returns: Individual Liability
100.5706	Composite Returns: Required Forms and computation of Income

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100.5708 Composite Returns: Estimated Payments
 100.5710 Composite Return: Tax, Penalties and Interest
 100.5712 Composite Returns: Credit for Resident Individuals
 100.5714 Composite Returns: Definition of a "Lloyd's Plan of Operation"
 100.6000 Election to File a Combined Return
 100.6010 Procedure for Making the Election
 100.6020 Designated Agent for the Members
 100.6030 Combined Estimated Tax Payments
 100.6040 Claims for Credit of Overpayments
 100.6050 Liability for Combined Tax, Penalty and Interest
 100.6060 Combined Amended Returns
 100.6070 Computation of Combined Income and Tax
 100.6080 Definitions and Miscellaneous Provisions Relating to Combined Returns

SUBPART D: INCOME TAX WITHHOLDING

Section
 100.7000 Requirement of Withholding (IITA Section 701)
 100.7010 Compensation Paid in this State (IITA Section 701)
 100.7020 Transacting Business Within this State (IITA Section 701)
 100.7030 Payments to Residents (IITA Section 701)
 100.7040 Employer Registration (IITA Section 701)
 100.7050 Computation of Amount Withheld (IITA Section 701)
 100.7060 Additional Withholding (IITA Section 701)
 100.7070 Voluntary Withholding (IITA Section 701)
 100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
 100.7090 Reciprocal Agreement (IITA Section 701)
 100.7100 Cross References
 100.7150 Withholding Exemption (IITA Section 702)
 100.7200 Withholding Exemption Certificate (IITA Section 702)
 100.7250 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)
 100.7300 Reports for Employee (IITA Section 703)
 100.7350 Returns of Income Withheld from Wages (IITA Section 704)
 100.7400 Quarterly Returns Filed on Annual Basis (IITA Section 704)
 100.7450 Time for Filing Returns (IITA Section 704)
 100.7500 Payment of Tax Deducted and Withheld (IITA Section 704)
 100.7510 Correction of Underwithholding or Overwithholding (IITA Section 704)
 100.7550 Requirement of Withholding-Personal Service Contracts (IITA Section 708)
 100.7560 Contracts Indeterminate as to Amount (IITA Section 708)
 100.7570 Series of Identical Contracts (IITA Section 708)
 100.7580 Personal Service Contract (IITA Section 708)
 100.7590 Presence Necessitated (IITA Section 708)
 100.7600 Certification of Residence (IITA Section 708)
 100.7610 Identities Specified in the Contract (IITA Section 708)

DEPARTMENT OF REVENUE

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100.7620 Net Amount (IITA Section 708)
 100.7630 Coordination with IITA Section 701 (IITA Section 708)
 100.7640 Requirement of Withholding-Prizes and Awards (IITA Section 709)
 100.7650 Promoter (IITA Section 709)
 100.7700 Non-Cash Prizes (IITA Section 709)
 100.7750 Certification of Residence (IITA Section 709)
 100.7800 Relative Performance (IITA Section 709)

SUBPART E: DECLARATION AND PAYMENT OF ESTIMATED TAX

Section
 100.8300

Penalty for Underpayments of Estimated Tax-Exception for Payments Based on Prior Year's Liability-Rule for a Taxable Year Following the Taxable Year in which the Personal Property Tax Replacement Income Tax (PPTRIT) Became Effective-Corporate Taxpayers (IITA Section 802) (Repealed)
 Penalty for Underpayment of Estimated Tax-Exception for Payments Based on the Prior Year's Facts-Change in the Personal Property Tax Replacement Income Tax (PPTRIT) Rate for Corporations on January 1, 1981 (IITA Section 802) (Repealed)

100.8400

SUBPART F: STATEMENT OF PROCEDURAL RULES

Section

100.9000 Introduction
 100.9005 Letter Ruling Procedures
 100.9010 General Income Tax Procedures (IITA Section 901)
 100.9020 Taxpayer Representation and Practice Requirements
 100.9030 Collection Authority (IITA Section 901)
 100.9040 Notice and Demand (IITA Section 902)
 100.9050 Assessment (IITA Section 903)
 100.9060 Deficiencies and Overpayments (IITA Section 904)
 100.9061 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
 100.9070 Limitations on Notices of Deficiency (IITA Section 905)
 100.9080 Further Notices of Deficiency Restricted (IITA Section 906)
 100.9090 Waiver of Restrictions on Assessments (IITA Section 907)
 100.9100 Procedure on Protest (IITA Section 908) (Repealed)
 100.9110 Credits and Refunds (IITA Section 909)
 100.9120 Procedure on Denial of Claim for Refund (IITA Section 910) (Repealed)
 100.9130 Limitations on Claims for Refund (IITA Section 911)
 100.9140 Recovery of Erroneous Refund (IITA Section 912)
 100.9150 Access to Books and Records (IITA Section 913)
 100.9200 Conduct of Investigations and Hearings (IITA Section 914)

SUBPART G: JUDICIAL REVIEW

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

100.9805 Administrative Review Law (ITTA Section 1201)

SUBPART H: DEFINITIONS AND RULES OF INTERPRETATION

Section

100.9900 Unitary Business Group Defined (ITTA Section 1501)

100.9920 Reasonable Cause For Abatement of Section 1005 Penalty

APPENDIX A: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, pars. 1-101 et seq.) and authorized by Section 1401 of the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, par. 14-1401).

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 P. 84, effective November 29, 1978; amended 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981, amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; amended at — Ill. Reg. —, effective —.

Section 100.3700 Special Rules (ITTA Section 304)

a) In general:

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ITTA Section 304(e)(f) provides that if the allocation and apportionment provisions of ITTA Section 304(a) through (d) do not fairly represent the extent of the person's business activity in this state, the person may petition for or the Director may require, in respect to all or any part of the person's business activity, if reasonable:

- 1) Separate accounting;
- 2) The exclusion of any one or more of the factors;
- 3) The inclusion of one or more additional factors which will fairly represent the person's business activity in this state; or
- 4) The employment of any other method to effectuate an equitable allocation and apportionment of the person's income. This subsection permits a departure from the required methods applicable under ITTA Section 304(a) through (d), including combined apportionment (see Caterpillar Tractor Co. et al. v. Lenckos 84 Ill. 2d 102, 417 NE 2d 1343 (1981)), only where such methods do not accurately and fairly reflect business activity in Illinois. An alternative apportionment method under this subsection may not be invoked, either by the Director or by a taxpayer, merely because it reaches a different apportionment percentage than the regularly required formula. However, if the application of the statutory formula will lead to a grossly distorted result in a particular case, a fair and accurate alternative method is appropriate. (See Norfolk & Western Railway Co. v. State Tax Commission. 390 U.S. 317 88 S. Ct. 995 (1968)). The party (the Director or the taxpayer) seeking to utilize an alternative apportionment method has the burden of showing by clear and cogent evidence that the statutory formula would result in the taxation of extraterritorial values. (See Butler Bros. v. McCollgan, 315 U.S. 501, 625, cf. 701 (1942).) The burden will be met only if the statutory formula is demonstrated to operate unreasonably and arbitrarily in attributing to Illinois a percentage of income which is out of all proportion to the business transacted in this State. (See Hans Rees' Sons, Inc. v. North Carolina ex rel Maxwell, 283 U.S. 123, 51 S. Ct. 385 (1931).) Finally, the party seeking to use an alternative apportionment formula must prove that such method fairly and accurately apportions income to Illinois based upon business activity in this state.

b) Property factor:

The following special rules are established in respect to the property factor of the apportionment formula:

- 1) If the subrents taken into account in determining the net annual rental rate under 86 Ill. Adm. Code 100.3550(c) produce a negative

be excluded from the sales factor. For example, gross receipts from the sale of a factory or plant will be excluded.

3) Insubstantial amounts of gross receipts arising from incidental or occasional transactions or activities may be excluded from the sales factor unless such exclusion would materially affect the amount of income apportioned to this state. For example, the person ordinarily may include or exclude from the sales factor gross receipts from such transactions as the sale of office furniture, business automobiles, etc.

4) Where the income producing activity in respect to business income from intangible personal property can be readily identified, such income is included in the denominator of the sales factor and, if the income producing activity occurs in this state, in the numerator of the sales factor as well. For example, usually the income producing activity can be readily identified in respect to interest income received on deferred payments on sales of tangible property (86 Ill. Adm. Code 100.3650(a)(1)(A)) and income from the sale, licensing or other use of intangible personal property (86 Ill. Adm. Code 100.3650(c)(3)(A)).

5) Where business income from intangible property cannot readily be attributed to any income producing activity of the person, such income cannot be assigned to the numerator of the sales factor for any state and shall be excluded from the denominator of the sales factor. The following provisions illustrate this concept:

A) Subpart F (26 U.S.C.A. 951-964) income is passive income generated by the mere holding of an intangible. There is a rebuttable presumption that Subpart F income is not includable in either the numerator or the denominator of the sales factor. If a taxpayer wishes to include Subpart F income in either the numerator or the denominator of the sales factor, the burden of proof is on the taxpayer to identify the income producing activities and to situate those activities within a particular state, or

B) For example, where business income in the form of dividends received on stock, royalties received on patents or copyrights, or interest received on bonds, debentures or government securities results from the mere holding of intangible personal property by the person, such dividends and interest shall be excluded from the denominator of the sales factor.

65) In the case of sales of business intangibles (including, by means of example, without limitation, patents, copyrights, bonds, stocks and

or clearly inaccurate value for any item of property, another method which will properly reflect the value of rented property may be required by the Director or requested by the person. In no case however shall such value be less than an amount which bears the same ratio to the annual rental rate paid by the person for such property as the fair market value of that portion of the property used by the person bears to the total fair market value of the rented property.

Example: A corporation rents a 10-story building at an annual rental rate of \$1,000,000. The corporation occupies two stories and sublets eight stories for \$1,000,000 a year. The net annual rental rate of the taxpayer must not be less than two-tenths of the corporation's annual rental rate for the entire year, or \$200,000.

2) If property owned by others is used by the person at no charge or rented by the person for a nominal rate, the net annual rental rate for such property shall be determined on the basis of a reasonable market rental rate for such property.

c) Sales factor:

The following special rules are established in respect to the sales factor of the apportionment formula:

1) In the case of sales where neither the origin nor the destination of the sale is within this state, and the person is taxable in neither the state of origin nor the state of destination, the sale will be attributed to this state (and included in the numerator of the sales factor) if the person's activities in this state in connection with the sales are not protected by the provisions of P.L. 86-272, 15 U.S.C. 381-385. Although P.L. 86-272, by its terms covers only sales of tangible personal property, its rules regarding a state's power to impose a net income tax, for purposes of this special rule, will be applied whether the sale is of tangible or intangible property.

Example: A corporation's salesman operates out of an office in Illinois. He regularly calls on customers both within and without Illinois. Orders are approved by him and transmitted to the corporation's headquarters in State A. If the property sold by the salesman is shipped from a state in which the corporation is not taxable to a purchaser in a state in which the corporation is not taxable, the sale is attributable to Illinois.

2) Where substantial amounts of gross receipts arise from an incidental or occasional sale of a fixed asset used in the regular course of the person's trade or business, such gross receipts shall

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other securities), gross receipts shall be disregarded and only the net gain (loss) therefrom shall be included in the sales factor.

Example: In 1990, Corporation A, a calendar year taxpayer, sells stock with an adjusted basis of \$98,000,000.00 for \$100,000,000.00, realizing a federal net capital gain of \$2,000,000.00. Only the net capital gain of \$2,000,000.00 is reflected in A's sales factor for the taxable year ending December 31, 1990.

- (d) Rule for inclusion of shares of partnership unitary business income and factors in combined unitary business income and factors of corporate partners.

When the activities of a corporate partner (or the activities of a unitary business group including the corporate partner) and the activities of a partnership, disregarding ownership requirements, constitute a unitary business relationship, then the partner's share of the partnership's income and factors shall be combined with the business income and factors of the partner or with the combined business income and factors of the unitary business group including the partner, as the case may be. The activities of a corporate partner and the activities of a partnership will constitute a unitary business relationship when such activities are integrated with, dependent upon, and contribute to each other. However, the rule stated herein will not apply to shares of income from partnerships whose business activity outside the United States is 80% or more of such partnership's total business activity, where the partnership has a different apportionment method than the corporate partner, or where the partnership is not in the same general line of business or a step in a vertically structured enterprise with the corporate partner. This rule is applicable to all taxable years for which the statute of limitations for filing claims for refund and for issuing notices of deficiency are open, except those tax years ending on or after the effective date (April 24, 1984) of Section 100.9900(e)(2) and ending prior to its repeal where the taxpayer relied upon that rule.

(Source: Amended at — Ill. Reg. —, effective —)

Section 100.9920 Reasonable Cause For Abatement of Section 1005 Penalty

- (a) In general. All or part of the penalty imposed by Section 1005 may be abated upon an affirmative showing by the taxpayer of all facts alleged as reasonable cause for the underpayment (or part thereof). The burden of proof shall be upon the taxpayer to show by a preponderance of the evidence that he acted in good faith and exercised ordinary business care and prudence in providing for the timely payment of his tax liability. This obligation imposes on the taxpayer the responsibility of providing

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documentation or other competent evidence to demonstrate that the standards of reasonable cause are met.

- (b) The determination of whether a taxpayer acted with reasonable cause shall be made on a case by case basis taking into account all pertinent facts and circumstances. The most important factor to be considered in making a determination to abate the penalty under Section 1005 will be the extent to which the taxpayer made a good faith effort to determine his proper income tax liability.

- (c) A taxpayer will be considered to have made a good faith effort to determine and pay his proper income tax liability if he exercised ordinary business care and prudence in doing so. A determination of whether a taxpayer exercised ordinary business care and prudence is dependent upon the clarity of the law or its interpretation and the taxpayer's experience, knowledge, and education. Accordingly, reliance on the advice of a professional does not necessarily establish that a taxpayer exercised ordinary business care and prudence, nor does reliance on incorrect facts such as an erroneous information return.

- (d) The Department will also consider a taxpayer's filing history in determining whether the taxpayer acted in good faith in determining and paying his tax liability. Isolated computational or transcriptional errors will not generally indicate a lack of good faith in the preparation of a taxpayer's return.

- (e) Examples of Reasonable Cause. The following non-exclusive list of situations will constitute reasonable cause for purposes of the abatement of the Section 1005 penalty:

- (1) A return is filed, the liability on which is computed consistent with the manner in which the liability was computed on returns previously audited by the Department. If the previous audit accepted an item on the return (whether it was actually verified in audit or merely accepted without verification) and the facts remain the same, the penalty would not be imposed on any liability resulting from an adjustment to that item in a later year audit.
- (2) A liability resulting from changes due to a finalized federal audit are timely and properly reported and paid to Illinois and no federal penalties imposed under sections 6662 (for taxable years after December 31, 1989) or former 6661 (for taxable years before December 31, 1989) were applied. If a federal change is properly reported to Illinois and the resulting liability is paid within 120 days from the finalization of the federal audit, reasonable cause for abatement of the penalty exists. Reasonable cause would not exist if a taxpayer submits the federal audit revenue agents report or a properly completed Illinois amended return but does not pay the full liability due within the 120 day period. It would also not

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apply to any federal change (whether timely paid or not) on which a section 6661 or section 6662 penalty was applied.

- (3) A liability resulting from changes due to a finalized federal audit is caused by offsetting timing differences. If a federal audit results in the disallowance of an income or expense item in one year of the audit only to allow it in another year of the audit, no penalty should be imposed on the resulting Illinois liability.
- (4) Reasonable cause for abatement of penalty will exist if a nonresident shareholder or partner fails to pay Illinois tax on income derived from a Subchapter S corporation or partnership which is properly allocated or apportioned to Illinois and the shareholder or partner paid tax on the income to his state of residency (if the state of residency has a tax based on income).
- (5) A liability resulting from the exercise of the Director's discretionary authority to re-allocate, re-apportion or otherwise adjust a taxpayer's return may constitute a basis for reasonable cause.
- (6) Reasonable cause for abatement of penalty will exist if a liability results from amendments made by the Department to regulations or formal administrative policies or positions after the return on which the liability was computed was filed.
- (7) Reasonable cause abatement may also be based on the death, incapacity or serious illness of the taxpayer (or his tax preparer) or a death or serious illness in his or her immediate family which causes a late filing and payment of tax due. In the case of a corporation, estate, trust, etc., the death, incapacity, or serious illness must have been of an individual having sole authority to file the return (not the individual preparing the return) or make the deposit/payment, or a member of such individual's immediate family.
- (8) An unavoidable absence of a taxpayer (or tax preparer) due to circumstances unforeseeable by a reasonable person may also constitute reasonable cause for purposes of abatement of the penalty. An unavoidable absence does not include a planned absence such as a vacation. In the case of a corporation, estate, trust, etc., the absence must have been of an individual having sole authority to file the return (not the individual preparing the return) or make the deposit/payment.
- (9) Factors beyond taxpayer's control such as destruction by fire, other casualty or civil disturbance of the taxpayer residence or place of business records.

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(10) Taxpayer mailed the return or payment to the Department in time to reach the Department on or before the due date, given the normal handling of the mail. However, through no fault of the taxpayer, the return or payment was not delivered within the prescribed time period. This fact situation would constitute reasonable cause for abatement of the penalty.

(11) Reasonable cause will exist for purposes of abatement of the penalty if a taxpayer makes an honest mistake, such as inadvertently mailing a Department of Revenue check to a local government, another state's Department of Revenue, or to the Internal Revenue Service.

(12) Taxpayer relies on a tax advisor or an in-house counsel who is competent on the specific tax matter, furnishes necessary and relevant information, and is then incorrectly advised on a position taken on the return. Assuming that reliance on the advice at the time it is given is reasonable under the facts and circumstances, the penalty will be abated for reasonable cause.

(13) If taxes on Illinois income were withheld to another state and the taxpayer was not aware of this fact until receiving his W-2, reasonable cause will exist for abatement of the penalty.

(14) An Illinois appellate court decision, a U.S. appellate court decision, or an appellate court decision from another state (provided that the appellate court case in the other state is based upon substantially similar statutory or regulatory law) which supports the taxpayer's position will ordinarily provide a basis for a reasonable cause determination.

(Added at — Ill. Reg. — effective —)

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- 1) The Heading of the Part: Literacy Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 3040
- 3) Section Number: Adopted Action:
3040.160
Amendment
- 4) Statutory Authority: Implementing and authorized by the State Library Act (Ill. Rev. Stat. 1989, ch. 128, pars. 101 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved:

The Literacy Grant Program is amended to clarify audit standards for the audits already required by the existing administrative rules. We are deleting the prior audit standard.

The amendment will clarify the requirement for Secretary of State literacy grantee auditors. In addition, it will reduce the number of discrepancies that appear in the initial submission and review of the audits.

- 6) Does this proposed rule replace an emergency amendment currently in effect?: No.
- 7) Does this rulemaking contain an automatic repeal date?: No.
- 8) Does this proposed amendment contain incorporations by reference?: Yes, the United States General Accounting Office Government Auditing Standards - Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (Yellow Book), 1988 revision.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives:

This proposed amendment will clarify the final audit requirements and result in fewer discrepancies in the final audits.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments will be accepted for 30 days following publication. Address all comments to: Greg McCormick, Fiscal Officer, Illinois State Library, 300 South Second Street, Springfield, IL 62701.
- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: April 27, 1992.

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- B) Types of small businesses affected: Public accounting firms.
- C) Reporting, bookkeeping or other procedures required for compliance: The amendment cites the United States General Accounting Office Government Auditing Standards - Standards for Audit of Governmental Organizations, Programs, Activities, and Functions (Yellow Book), 1988 revision. The amendment will clarify existing requirements without imposing additional reports.
- D) Types of professional skills necessary for compliance: Grantees must engage a certified public accounting firm to perform the grant audit. These independent certified public accountants must be in compliance with General Auditing Standards requirements.

The full text of the Proposed Amendment begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE B: CULTURAL RESOURCES

CHAPTER I: SECRETARY OF STATE

PART 3040

LITERACY GRANT PROGRAM

SUBPART A: LITERACY PROVIDER PROGRAM

Section

3040.100 Purpose

3040.110 Definitions

3040.120 Application for Grant

3040.130 Review of Grant Applications

3040.140 Award of Grant, Interim Reports, and Final Report

3040.150 Cancellation of Grant

3040.160 Audit Procedures

3040.170 Other Requirements

3040.180 Invalidity

AUTHORITY: Implementing and authorized by the State Library Act (Ill. Rev. Stat. 1989, ch. 128, pars 101 et seq.).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15563, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 4916, effective March 11, 1986; amended at 11 Ill. Reg. 17258, effective October 15, 1987; amended at 15 Ill. Reg. 18757, effective December 17, 1991; amended at 16 Ill. Reg. _____, effective _____.

Section 3040.160 Audit Procedures

- a) On or before September 1 of each year, the literacy grant recipient must conduct an audit of the program and its expenditure of the grant funds. Grant funds must be accounted for using the modified accrual accounting method. The State Library will add funds to budgets of grant recipients to pay for audit costs. The literacy grant recipient shall select an independent certified public accountant to perform the audit in accordance with the *COMPLIANCE OF STATEMENTS ON AUDITING STANDARDS OF THE AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS (AICPA) JOURNAL, 1982, NO. 1, LATER EDITIONS INCLUDED*. The audit shall be both of a *FINANCIAL AND COMPLIANCE NATURE* United States General Accounting Office Government Auditing Standards - Standards for Audit of Governmental Organizations, Programs, Activities and Functions (Yellow Book), 1988 revision, no later editions. This document can be obtained through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A copy of

this document is also maintained for public inspection at the Illinois State Library, 300 South Second Street, Springfield, Illinois 62701. The results of this audit must be submitted to the State Library, Office of the Secretary of State. Failure to conduct the audit or failure to report the results to the State Library shall result in cancellation of any existing grants. The State Library shall withhold 10% of the grant funds until receipt and approval of the audit.

b) *THE AUDIT IS A MINIMUM SHALL CONSIST OF*

1) *AN OPINION BY THE AUDITOR REGARDING THE FINANCIAL STATEMENTS*

2) *THE INTERNAL CONTROL SYSTEM*

3) *THE STATEMENT OF COMPLIANCE*

4) *A STATEMENT OF THE APPLICANT'S REVENUE AND EXPENDITURES, THE BUDGETED AMOUNTS VERSUS THE ACTUAL EXPENDITURES*

5) *A BALANCE SHEET AND NOTES TO THE FINANCIAL STATEMENTS*

b) A grantee who does not comply with audit requirements will be ineligible to apply for funds in the next fiscal year.

c) The provisions of this section will not be applicable to entities that fall under the authority of the Auditor General of Illinois.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois

- 2) Code Citation: 80 Ill. Adm. Code 1540

- 3) Section Numbers:
 1540.80
 1540.90
 1540.100
 1540.130
- Proposed Action:
 Amendment
 Amendment
 Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1991, Ch. 108 1/2, par. 14-135.03

- 5) A Complete Description of the Subjects and Issues Involved: Section 1540.80 a. 2. This revision is necessary because of the disability waiting period change made to a nonoccupational disability benefit by Public Act 86-1488. Public Act 86-1488 provides that the nonoccupational disability benefit would begin to accrue on the thirty-first day of absence from work on account of disability (including any periods that sick leave was paid), or the day following the day on which the member last received compensation (including any sick pay).

The old rule addressed nonoccupational and temporary disability benefits simultaneously because the thirty day waiting period was the same for both benefits. Following Public Act 86-1488, the waiting periods are different and require separate rules.

Section 1540.90 c. 1. This revision is necessary to reflect the change to the allowable offset for the widow and survivors' benefit as provided by Public Act 87-794. The change requires only that an additional sentence be added to Section 1540.90 c. 1.

Section 1540.100 b. This revision is necessary to require that an individual provide a statement from the state where the birth occurred that no record exists, and to add to the acceptable documents allowed to substantiate a date of birth. A passport and birth certificate are required to receive an immigration and naturalization record. The INR should therefore be added to our list of acceptable documents to prove a date of birth.

Section 1540.130 b. This revision is necessary to allow the System to accept the certification of unused sick leave for the calculation of a pension from the last department responsible for maintaining the sick leave of the member. When a person is elevated to a position of employment that does not accrue sick leave, and the person had accrued sick leave from the previous position of employment, the agency of current employment cannot certify sick leave since it is not accrued in the current position of employment. The member faces losing the accrued time without this change to allow the last agency maintaining the sick leave record to certify the unused sick leave. The present agency practice is to allow the sick leave to be used in the calculation of the pension and this change reflects the present practice.

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STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: None

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 30 days after the proposed rules are published in the Illinois Register and should be directed to:

Michael L. Mory, Executive Secretary
 State Employees' Retirement System of Illinois
 P.O. Box 19255 - 2101 South Veterans Parkway
 Springfield, Illinois 62794-9255
 Telephone: 1-217-785-7444

- 12) Initial Regulatory Flexibility Analysis: None

The full text of the Proposed Amendments begins on the next page:

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	Introduction
1540.5	Appointment of Retirement System Coordinator
1540.10	Member's Contribution and Service Credit
1540.20	Determination of Rate of Compensation
1540.30	Prior Service Credit
1540.40	Credit for Service for Which Contributions are Permitted
1540.50	Servance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.60	Death Benefits
1540.70	Disability Claims
1540.80	Benefit Offset
1540.90	Birth Date Verification
1540.100	Marriage Verification
1540.110	Level Income Option
1540.120	Pension Credit for Unused Sick Leave
1540.130	Removal of Children from Care of Surviving Spouse
1540.140	Proof of Dependency
1540.150	Investigations of Benefit Recipients
1540.160	Interest on Member Contributions
1540.170	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.180	Lump Sum Salary Payments
1540.190	Removal From the Payroll
1540.200	Latest Date of Membership
1540.210	Period for Payment and Amount of Payment of Contributions
1540.220	Contributions By the State (Repealed)
1540.230	Actuarially Funded Basis (Repealed)
1540.240	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.250	Contributions and Service Credit During Nonwork Periods
1540.260	Written Appeals and Hearings
1540.270	Availability for Public Inspection (Recodified)
1540.280	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.290	Organization of the State Employees' Retirement System (Recodified)
1540.300	Amendments
1540.310	Optional Forms of Benefits - Basis of Computation
1540.320	

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

1540.330 Board Elections
TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code (Ill. Rev. Stat. 1989, ch. 108 1/2, par. 14-101 et seq.).

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991. amended at 16 Ill. Reg. _____, effective _____.

Section 1540.80 Disability Claims

- a) Nonoccupational Disability and Temporary Disability
- 1) Any member of the Retirement System claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
 - 2) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational disability benefit, payment of the benefit shall accrue as of the later of the thirty-first day of absence from work (including any periods of such absence for which sick pay was received), the day after the member is last entitled to receive compensation (including any sick pay), or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) (period of payment).
 - 23) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational temporary disability benefit, payment of the benefit shall accrue as of the later of the 31st day after the member is last entitled to receive compensation or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) - (Period for Payment).

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

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34) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make such payment must be received at the Springfield Office of the System before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) - (Period for Payment).

b) Occupational Disability

Any member of the Retirement System claiming benefits for occupational disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.

c) Licensed Physicians

1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed physician attesting to the disability. An additional statement from a second licensed physician may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.

2) The term "licensed physician" shall mean any individual who has obtained a license through the Department of Registration and Education as described in Section 11(1) and (2) of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, par. 4400-11(1) and (2)). All licensed physicians must submit their registration number on all reports submitted to the Retirement System.

d) Report of Physicians

1) All physician's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.

2) All physician's reports shall be signed by a licensed practicing physician or by medical records personnel of a licensed clinic.

e) Gainful Employment

In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have his benefit terminated as of the date such employment commenced. The term "gainfully employed" shall be construed to mean either of the following:

1) Any employment by or for the State of Illinois.

2) Any remuneration which exceeds \$500.00 in any month.

A) For purpose of this Section, "remuneration" shall be defined to mean:

- i) any compensation for personal services including fees, wages, salary, commissions, and similar items;
- ii) any income derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income.

B) For purposes of this Section, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation). Remuneration shall also

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include the fair market value of goods or services received, which if received in money would otherwise constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to, the sum of the amount of money and the fair market value of any property received on such sale, exchange, or disposition, less the amount representing the cost to the seller in acquiring the goods or other property which is sold, exchanged, or disposed of. In applying this Section, the System shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this Section, remuneration may be earned through either self-employment or employment by others.

f) Investigation of Claims

1) The Board of Trustees of the State Employees' Retirement System (SERS) recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.

2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. The System will pay for independent medical examinations, hospital records, and activity inspection reports that it requires.

3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.

g) Definition of Phrase "The Duties of the Member's Position" The phrase, "The duties of the member's position" shall mean the duties of the member's position as of the date the member's name is removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

(Source: Amended at — Ill. Reg. —, effective —)

Section 1540.90 Benefit Offset

a) Occupational Disability and Occupational Death

Benefits received under Workers' Compensation Act (Ill. Rev. Stat. 1989, ch. 48, par. 138.1 et seq., as amended) or Workers' Occupational Diseases Act (Ill. Rev. Stat. 1989, ch. 48, par. 172.36 et seq., as amended) with respect to disability or death of a member shall be applied as an offset against any occupational disability or death benefit provided under the Retirement System with respect to the same disability or death. The Workers' Compensation weekly rate will be converted to a monthly rate for use as an

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amounts are recoverable under the subrogation section 5(b) of the Workers' Compensation Act.

B) In the event that benefits due under the Workers' Compensation Act or Workers' Occupational Diseases Act are commuted into one sum or waived in lieu of the member seeking recovery against a third party, the System shall use the amount of any judgment, settlement or payment for such injury by the third party as a credit against any benefits paid or payable by the System.

10 Any period(s) of disability for which payment under the Workers' Compensation Act is denied due to the failure of the individual to comply with that Act which result in a period(s) of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois Industrial Commission.

b) Nonoccupational Disability and Temporary Disability

1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before age 65 by the amount of Social Security disability benefit payable prior to the member attaining age 65 and after age 65 by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining age 65.

2) The Social Security retirement benefit offset will be applied as follows at age 65:

A) For a disability benefit recipient who received Social Security disability benefits before age 65, the Social Security disability benefit payment applied as the offset prior to age 65 will remain in effect as the Social Security retirement benefit offset on or after age 65.

B) For a disability benefit recipient who did not receive Social Security disability benefits before age 65, the Social Security disability benefit amount that would have been payable by the Social Security Administration had the disability benefit recipient been disabled for the purpose of Social Security will be used as the Social Security retirement benefit offset at age 65 regardless of acceptance of a Social Security retirement benefit before age 65.

C) When a Social Security disability benefit amount is not provided by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security retirement benefit determined at the date of disability for which the individual is eligible at age 65 will be used for offset purposes at age 65.

C) When a Social Security disability benefit amount is not provided by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security retirement benefit determined at the date of disability for which the individual is eligible at age 65 will be used for offset purposes at age 65.

3) Disability benefits commencing after age 65 will be offset by Social Security retirement benefits for which the individual is eligible on

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offset to the Retirement System monthly benefit.

1) If the amount of compensation received is less than the monthly benefit provided under the Retirement Act, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Section 14-103.18 and Section 14-121(h) of the Retirement Act. If the amount of compensation received equals or exceeds the monthly benefit provided under the Retirement Act, no benefit shall be payable by the Retirement System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases Act.

2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the Retirement System shall, for offset purposes, consider the compensation as if it had been paid at a weekly rate as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Act. Salary or wages paid beyond date of disability shall not be considered part of the Workers' Compensation offset.

3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

4) No such offset or compensation shall be made after retirement of a member of a retirement annuity.

5) The amount considered for offset purposes shall not be reduced by any legal expenses granted from the award to the member.

6) No offset shall be made with respect to amounts received or paid under the Workers' Compensation Act or Workers' Occupational Diseases Act for medical, hospital, or burial expenses.

7) That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this section.

8) The termination of death benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation Act or Workers' Occupational Diseases Act.

9) In those cases where the injury or death, for which an occupational disability or death benefit is payable, creates a legal liability for damages on the part of some person other than the employer to pay damages, the Workers' Compensation offset shall be applied as follows:

A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset provisions of Article 14 of the Retirement Act (Ill. Rev. Stat. 1989, ch. 108 1/2, pars. 14-101 et seq.) and these Administrative Rules, even though such

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the commencement of disability.

- c) Widows and Survivors Annuities
- 1) When a monthly widows or survivors annuity is approved on account of a covered employee, the annuity shall be reduced by one-half of any Social Security survivors benefits for which all beneficiaries included in the widows or survivors annuity are eligible. The offset shall not reduce any survivor or widows benefit by more than 50 percent.
 - 2) The reduction will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit regardless of whether the beneficiaries elect to accept the Social Security benefit on that date, or if the beneficiaries' own earnings preclude payment of Social Security survivors benefits.
 - 3) If at the time the offset is to be commenced: the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount such amount shall be deducted from the amount of survivors benefit payable by Social Security and the offset computed on the difference; the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivors benefit, such amount shall be deducted from the amount of the survivors benefit payable by Social Security and the offset computed on the difference.
 - 4) The Social Security reduction amount once established shall remain constant except for the following conditions:
 - A) If a survivor under age 50 previously receiving the survivors benefit because of minor children becomes a deferred annuitant then the offset amount will be recomputed when he or she first becomes eligible for Social Security survivors benefits. The offset amount will be based on the original widow's Social Security survivors amount ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance of the Social Security survivors benefit minus the governmental pension offset, if any.
 - B) The offset amount will be adjusted when a child is removed from consideration for the System's annuity.
 - C) The offset amount will be adjusted when any benefit recipient(s) become ineligible for Social Security benefits.
 - D) For deaths on or after the effective date of this Section change, if a survivor under age 62 previously receiving the survivor benefit becomes eligible to receive a monthly benefit amount based on a Primary Insurance Amount on his or her own record, then the offset will be recomputed when (s)he first becomes eligible to receive his or her own Primary Insurance Amount. The offset amount will be based on the estimated widow(er)'s Social Security survivors amount determined at the date of death of the member less the estimated monthly benefit amount based on the Primary Insurance Amount of the survivor determined at the date of death of member, and the government pension offset, if any, ignoring any subsequent increases to the deceased Primary Insurance Amount or the Survivors Primary Insurance Amount. The monthly benefit amount based on the Primary Insurance amount of the

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survivor shall be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement including any adjustment due to the application of the Windfall Elimination Provision.

d) Retirement Annuity

Pursuant to Section 14-108(f) of the Retirement Act, for members under age 65, the primary insurance benefit payable to the member upon attainment of age 65 shall, at the date of acceptance of a retirement annuity, be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement, including any adjustments due to the application of the Windfall Elimination Provision. For members over age 65, the primary insurance benefit shall be the amount of social security benefits payable at the date of retirement with the State Employees' Retirement System.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1540.100 Birth Date Verification

- a) Any person or persons making application for a retirement annuity, survivors or widows annuity, nonoccupational, occupational or temporary disability benefit shall submit as proof of birth date, a legal copy of their birth certificate or birth record.
- b) ~~If no such record exists,~~ Upon the submission by the member of a declaration from the state where the birth occurred that no birth record exists, the following documents may be submitted for consideration:
 - 1) Military records
 - 2) Marriage record showing date of birth
 - 3) Evidence of Social Security payments that require attainment of specific age
 - 4) Church records of birth or baptism
 - 5) Two or more documents showing birth dates, such as insurance policies, school records, medical records, passports, ~~immigration and naturalization record~~
- c) If none of the above documents are available, an affidavit from parents, older brother or sister, or relative having knowledge of the date of birth may be considered.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 1540.130 Pension Credit for Unused Sick Leave

- a) Credit for sick leave shall be determined on the basis of a 260-day work year.
- b) All unused sick days for which the employee receives credit shall be certified by the last employer responsible for maintaining a sick leave record for the employee.

(Source: Amended at ___ Ill. Reg. ___, effective ___)

ILLINOIS REGISTER

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- 1) HEADING OF THE PART: North Point Marina
- 2) CODE CITATION: 17 Ill. Adm. Code 220
- 3) SECTION NUMBERS:
220.60
Amendments
- 4) STATUTORY AUTHORITY: Implementing and authorized by Sections 1 and 4 of the State Parks Act (Ill. Rev. Stat. 1991, ch. 105, pars. 465 and 468) and by Sections 63a5, 63a15 and 63a21 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 63a5, 63a15 and 63a21) and by Section 62-10 of the State Finance Act (Ill. Rev. Stat. 1991, ch. 127, par. 142z-10).
- 5) EFFECTIVE DATE OF AMENDMENTS: April 24, 1992
- 6) DOES THIS RULEMAKING CONTAIN AN AUTOMATIC REPEAL DATE? No
- 7) DO THESE AMENDMENTS CONTAIN INCORPORATIONS BY REFERENCE? No
- 8) DATE FILED IN AGENCY'S PRINCIPAL OFFICE: April 23, 1992
- 9) NOTICE OF PROPOSAL PUBLISHED IN ILLINOIS REGISTER: December 20, 1991, 16 Ill. Reg. 18050
- 10) HAS JCAR ISSUED A STATEMENT OF OBJECTIONS TO THESE RULES: No
- 11) DIFFERENCES BETWEEN PROPOSAL AND FINAL VERSION:

The Act citations in the Authority Note were updated to utilize the official short titles.

The following reference to the State Finance Act was added to the Authority Note: "Section 62-10 of the State Finance Act (Ill. Rev. Stat. 1991, ch. 127, par. 142z-10)".

In Section 220.60(b)(3), "the Department of" was added prior to "Conservation" in the new language being added.

In Section 220.60(b)(3), the following was added at the end of the paragraph: "Such incentives shall be offered equally to all members of the class of people to whom the incentives are offered, contingent upon slip availability."

All references to "Ill. Rev. Stat." were updated to the 1991 version.

DEPARTMENT OF CONSERVATION
NOTICE OF ADOPTED AMENDMENTS

- 12) HAVE ALL THE CHANGES AGREED UPON BY THE AGENCY AND JCAR BEEN MADE AS INDICATED IN THE AGREEMENT LETTER ISSUED BY JCAR? Yes
- 13) WILL THESE AMENDMENTS REPLACE AN EMERGENCY RULE (AMENDMENT, REPEALER) CURRENTLY IN EFFECT? No
- 14) ARE THERE ANY AMENDMENTS PENDING ON THIS PART? No
- 15) SUMMARY AND PURPOSE OF AMENDMENTS: This rule was amended to allow for discounts and/or credits during certain economic conditions and to provide for notice of such to the public. The Marina managers feel the need for certain incentives as a method to attract more boaters to the Marina.
- 16) INFORMATION AND QUESTIONS REGARDING THESE ADOPTED AMENDMENTS SHALL BE DIRECTED TO:

Don Woods
Department of Conservation
524 S. Second Street, Room 485
Springfield, IL 62701-1787

THE FULL TEXT OF THE ADOPTED AMENDMENTS BEGINS ON THE NEXT PAGE:

DEPARTMENT OF CONSERVATION

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF CONSERVATION
SUBCHAPTER a: LANDS AND HISTORIC SITES

PART 220
NORTH POINT MARINA

Section	
220.10	Application and Scope
220.20	Compliance
220.30	Marina Slip Acquisition
220.40	Slip Use
220.50	Vessel Condition and Movement
220.60	Fees and Charges
220.70	Other Regulations
220.80	Emergency Boarding of Vessels
220.90	Waiver of Claims

AUTHORITY: Implementing and authorized by Sections 1 and 4 of the State Parks Act (Ill. Rev. Stat. 1991, ch. 105, pars. 465 and 468) and by Sections 63a5, 63a15, and 63a21 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 63a5, 63a15 and 63a21) and by Section 62-10 of the State Finance Act (Ill. Rev. Stat. 1991, ch. 127, par. 1422-10).

SOURCE: Adopted at 13 Ill. Reg. 9269, effective June 6, 1989; amended at 15 Ill. Reg. 1495, effective January 22, 1991; amended at 15 Ill. Reg. 14418, effective October 1, 1991; amended at 16 Ill. Reg. 7335, effective April 24, 1992.

Section 220.60 Fees and Charges

- a) All fees and charges may be paid in the form of cash, check or money order. Transient rentals only may be paid by approved credit card.
- b) Slip Rental - Seasonal
 - 1) Slip rental fees will be based upon slip length or overall length of vessel (including all appendages), whichever is greater.
 - 2) A (one-time) \$200 deposit must accompany the application for a slip. This deposit is non-refundable and will be applied to the first year's slip rent.
 - 3) Slip rental rates are \$60.00 per foot per season for each foot of slip or each foot of vessel, whichever is greater. Discounts or credits shall be deducted from the total when such incentives are offered. Amounts and conditions precedent shall be determined by the Department of Conservation based upon economic conditions and slip occupancy and shall be publicly announced prior to implementation. Such incentives shall be offered equally to all members of the class of people to whom the incentives are offered, contingent upon slip availability.
- 4) **Payment Schedule:** Slip rental is due according to the following

DEPARTMENT OF CONSERVATION

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schedule:

- 25% by December 31
- 25% by February 28
- 25% by April 30
- 25% by June 30

- 5) Rent will be pro-rated for partial season occupancy by new applicants, based on the proportion of the season remaining at time permittee is notified the slip is available. (Season shall be calculated as June 1 through October 31 for pro-rata purposes.) There shall be no pro-rata discounting for any vessel offered a slip prior to June 2. Payment schedule shall conform, as nearly as possible, to the schedule set out in Subsection (b)(4). (Example: Permittee notified on June 15 that slip is available. Must pay 75% of pro-rated amount immediately and 25% of pro-rated amount by June 30.)
- 6) **Late Charges:** For payments not submitted by the scheduled due date, a late charge of 3% of the amount due shall be assessed per month. No boat shall be allowed initial occupancy of the assigned slip until all scheduled payments (including late charges) have been made. Any slip rental payment more than 60 days in arrears shall result in lease termination and boat impoundment.
 - c) **Slip Renting - Temporary**
Visiting vessels will be charged the following rates:
\$15 per day for vessels 30 feet and under
\$15 per day plus one dollar per day for each foot over 30 feet LOA.
One day free for every 7 consecutive days paid.
 - d) **Rate Changes**
The Department of Conservation reserves the right to change rates.
 - e) **Utilities**
Normal utility use is included in slip rental fees. Excess use (defined as consumption beyond average consumption of a similar size boat), as determined by the M.A.O., will be billed at the rate charged Conservation by the respective utilities.

(Source: Amended at 16 Ill. Reg. 7335, effective April 24, 1992)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: PERMITS
- 2) Code Citation: 35 Ill. Adm. Code 309
- 3) Section Numbers: Adopted Action:
309.103 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 1114, pars. 13, 13.3 and 1027.
- 5) Effective Date of Amendments: April 27, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Board's Principal Office: Order adopted February 27, 1992.
- 9) Notice of Proposal Published in Illinois Register: April 27, 1992
- 10) 15 Ill. Reg. 17471, December 6, 1991
Has JCAR issued a Statement of Objections to these rules? No.

Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 1114, par. 1013.3) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

At the suggestion of IRPA, the word "Agency" replaces "Director" at subsection (a)(3)(C)(v). All references to the Code of Federal Regulations are updated to the 1991 edition.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 1114, par. 1013.3) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace an emergency amendment currently in effect? No.

- 14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of February 24, 1992 in R91-5, which opinion is available from the address below.

New subsection 309.103(a)(3) requires certain POTWS to provide the

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NOTICE OF ADOPTED AMENDMENTS

Agency with the results of whole effluent toxicity testing:

POTWS which must provide this information:

1. All POTWS with a design influent capacity of one million gallons per day (MGD) or more, and
 2. All POTWS required to have a pretreatment program; and
- Other POTWS of which USEPA (or the NPDES permit-issuing state) may require this information based on consideration of certain factors:

1. The variability of effluent pollutants or pollutant parameters,
2. The dilution ratio in the receiving stream,
3. Existing controls on point and nonpoint sources and maximum daily loading in the receiving stream and the relative contribution of the individual POTW,
4. Receiving stream characteristics (known water quality impairment; whether it is a coastal water, a Great Lake, or an outstanding natural resource; etc.), and
5. Other considerations that could cause or contribute to adverse water quality impacts (including the history of toxic impact and POTW compliance problems).

This testing must have occurred since the latest permit reissuance or modification. The POTW must submit this information together with its NPDES permit application, and if it has an approved pretreatment program, a written technical evaluation of the need to revise local pretreatment limitations must accompany the results of the testing. The Board also effects a number of minor, corrective, non-substantive amendments fully outlined in the Opinion of February 27, 1992.

- 16) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35 ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 309
PERMITS

SUBPART A: NPDES PERMITS

Section	
309.101	Preamble
309.102	NPDES Permit Required
309.103	Application - General
309.104	Renewal
309.105	Authority to Deny NPDES Permits
309.106	Access to Facilities and Further Information
309.107	Distribution of Applications
309.108	Tentative Determination and Draft Permit
309.109	Public Notice
309.110	Contents of Public Notice of Application
309.111	Combined Notices
309.112	Agency Action After Comment Period
309.113	Fact Sheets
309.114	Notice to Other Governmental Agencies
309.115	Public Hearings on NPDES Permit Applications
309.116	Notice of Agency Hearing
309.117	Agency Hearing
309.118	Agency Hearing File
309.119	Agency Action After Hearing
309.141	Terms and Conditions of NPDES Permits
309.142	Water Quality Standards and Waste Load Allocation
309.143	Effluent Limitations
309.144	Federal New Source Standards of Performance
309.145	Duration of Permits
309.146	Authority to Establish Recording, Reporting, Monitoring and Sampling Requirements
309.147	Authority to Apply Entry and Inspection Requirements
309.148	Schedules of Compliance
309.149	Authority to Require Notice of Introduction of Pollutants into Publicly Owned Treatment Works
309.150	Authority to Ensure Compliance by Industrial Users with Sections 204(b), 307 and 308 of the Clean Water Act
309.151	Maintenance and Equipment
309.152	Toxic Pollutants
309.153	Deep Well Disposal of Pollutants (Repealed)
309.154	Authorization to Construct
309.155	Sewage Sludge Disposal
309.156	Total Dissolved Solids Reporting and Monitoring
309.181	Appeal of Final Agency Action on a Permit Application
309.182	Authority to Modify, Suspend or Revoke Permits
309.183	Revision of Schedule of Compliance
309.184	Permit Modification Pursuant to Variance
309.185	Public Access to Information
309.191	Effective Date

SUBPART B: OTHER PERMITS

Preamble
Construction Permits

Section
309.201
309.202

POLLUTION CONTROL BOARD

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309.203	Operating Permits; New or Modified Sources
309.204	Operating Permits; Existing Sources
309.205	Joint Construction and Operating Permits
309.206	Experimental Permits
309.207	Former Permits (Repealed)
309.208	Permits for Sites Receiving Sludge for Land Application
309.221	Applications - Contents
309.222	Applications - Signatures and Authorizations
309.223	Applications - Registered or Certified Mail
309.224	Applications - Time to Apply
309.225	Applications - Filing and Final Action by Agency
309.241	Standards for Issuance
309.242	Duration of Permits Issued Under Subpart B
309.243	Conditions
309.244	Appeals from Conditions in Permits
309.261	Permit No Defense
309.262	Design, Operation and Maintenance Criteria
309.263	Modification of Permits
309.264	Permit Revocation
309.265	Approval of Federal Permits
309.266	Procedures
309.281	Effective Date
309.282	Severability

309-APPENDIX Appendix A References to Previous Rules

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987-91, ch. 111, pars. 1013, 1013.3 and 1027).

SOURCE: Adopted in R71-14, at 4 PCB 3, March 7, 1972; amended in R73-11, 12, at 14 PCB 661, December 5, 1974, at 16 PCB 511, April 24, 1975, and at 28 PCB 509, December 20, 1977; amended in R73-11, 12, at 29 PCB 477, at 2 Ill. Reg. 16, P. 20, effective April 20, 1978; amended in R79-13, at 39 PCB 263, at 4 Ill. Reg. 34, P. 159, effective August 7, 1980; amended in R77-12B, at 41 PCB 369, at 5 Ill. Reg. 6384, effective May 28, 1981; amended in R76-21, at 44 PCB 203, at 6 Ill. Reg. 563, effective December 24, 1981; codified 6 Ill. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 Ill. Reg. 1612, effective January 18, 1984; amended in R86-44 at 12 Ill. Reg. 2495 effective January 13, 1988; amended in R88-1 at 13 Ill. Reg. 5993, effective April 18, 1989; amended in R88-21(A) at 14 Ill. Reg. 2892, effective February 13, 1990; amended in R91-5 at 16 Ill. Reg. 7339, effective April 27, 1992.

Section 309.103 Application - General

a) Application Forms

- 1) An applicant for a National Pollution Discharge Elimination System (NPDES) Permit shall file an application, in accordance with Section 309.223 hereof, on forms provided by the Illinois Environmental Protection Agency (Agency). Such forms shall comprise the NPDES application forms promulgated by the U.S. Environmental Protection Agency for the type of discharge for which an NPDES Permit is being sought and such additional information as the Agency may reasonably require in order to determine that the discharge or proposed discharge will be in compliance with applicable state and federal requirements.

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- 2) In addition to the above application forms, the Agency may require the submission of plans and specifications for treatment works and summaries of design criteria.
- 3) Effluent toxicity monitoring
- A) In addition to the above application forms, the Agency may require, pursuant to Section 39 of the Act, the installation, use, maintenance and reporting of results from monitoring equipment and methods, including biological monitoring. The Agency may require, pursuant to Section 39 of the Act, effluent toxicity testing to show compliance with 35 Ill. Adm. Code 302.621 and 302.630. If this toxicity testing shows the effluent to be toxic, the Agency may require pursuant to Section 39 of the Act further testing and identification of the toxicant(s) pursuant to 35 Ill. Adm. Code 302.210(a).
- B) The following POTWs shall provide the results of valid whole effluent biological toxicity testing to the Agency:
- i) All POTWs with design influent flows equal to or greater than one million gallons per day;
- ii) All POTWs with approved pretreatment programs or POTWs required to develop a pretreatment program pursuant to 35 Ill. Adm. Code 310.Subpart E;
- C) In addition to the POTWs listed in (a)(3)(B), the Agency may require other POTWs to submit the result of toxicity tests with their permit applications, based on consideration of the following factors.
- i) The variability of the pollutants or pollutant parameters in the POTW effluent (based on chemical-specific information, the type of treatment facility, and types of industrial contributors);
- ii) The dilution of the effluent in the receiving water (ratio of effluent flow to receiving stream flow);
- iii) Existing controls on point or nonpoint sources, including total maximum daily load calculations for the waterbody segment and the relative contribution of the POTW;
- iv) Receiving stream characteristics, including possible or known water quality impairment, and whether the POTW discharges to a coastal water, one of the Great Lakes, or a water designated as an outstanding natural resource; or
- v) Other considerations (including but not limited to the history of toxic impact and compliance problems at the POTW), which the Agency

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- determines could cause or contribute to adverse water quality impacts.
- D) The POTWs required under subsections (a)(3)(B) or (a)(3)(C) to conduct toxicity testing shall use the methods prescribed at 35 Ill. Adm. Code 302.Subpart F. Such testing must have been conducted since the later of the last NPDES permit reissuance or permit modification pursuant to Section 309.182, 309.183 or 309.184 for any of the reasons listed at 40 CFR 122.62(a) (1991), herein incorporated by reference (including no later amendments or editions).
- 4) All POTWs with approved pretreatment programs shall provide the following information to the Agency: a written technical evaluation of the need to revise local limits pursuant to 35 Ill. Adm. Code 310.210.
- BOARD NOTE: Subsections (a)(3)(B) through (a)(4) are derived from 40 CFR 122.21(i) (1991).
- b) Animal Waste Facilities
- An applicant for an NPDES Permit in connection with the operation of an animal waste facility shall complete, sign, and submit an NPDES application in accordance with the provisions of 35 Ill. Adm. Code: Subtitle E, Chapter I.
- c) Mining Activities
- 1) If, as defined by 35 Ill. Adm. Code 402.101, mining activities are to be carried out on a facility for which an NPDES Permit is held or required, the applicant must submit a permit application as required by 35 Ill. Adm. Code 403.103, 403.104 and 405.104. If the facility will have a discharge other than a mine discharge or non-point source mine discharge as defined by 35 Ill. Adm. Code 402.101, the applicant shall also submit an NPDES permit application in accordance with Section 309.223 on forms supplied by the Agency.
- 2) As provided by 35 Ill. Adm. Code 403.101, except to the extent contradicted in 35 Ill. Adm. Code: Subtitle D, Chapter I, the rules contained in this Subpart apply only to 35 Ill. Adm. Code: Subtitle D, Chapter I NPDES Permits.
- 3) As provided by 35 Ill. Adm. Code 406.100, except to the extent provided in 35 Ill. Adm. Code: Subtitle D, Chapter I, the effluent and water quality standards of 35 Ill. Adm. Code 302, 303 and 304 are inapplicable to mine discharges and non-point source mine discharges.
- d) New Discharges
- Any person whose discharge will begin after the effective date of this Subpart A or any person having an NPDES Permit issued by the U.S. Environmental Protection Agency for an existing discharge which will substantially change in nature, or increase in volume or frequency, must apply for an NPDES Permit either:

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- 1) No later than 180 days in advance of the date on which such NPDES Permit will be required; or
- 2) In sufficient time prior to the anticipated commencement of the discharge to insure compliance with the requirements of Section 306 of the Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), or with any other applicable water quality standards and applicable effluent standards and limitations.

e) Signatures

An application submitted by a corporation shall be signed by a principal executive officer of at least the level of vice president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates. In the case of a partnership of a sole proprietorship, the application shall be signed by a general partner or the proprietor, respectively. In the case of a publicly owned facility, the application shall be signed by either the principal executive officer, ranking elected official, or other duly authorized employee.

(Source: Amended at 16 Ill. Reg. 7339 , effective April 27, 1992)

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- 1) Heading of the Part: PRETREATMENT PROGRAMS
- 2) Code Citation: 35 Ill. Adm. Code 310
- 3) Section Numbers:

<u>Adopted Action:</u>
310.103 Amendment
310.105 Amendment
310.107 Amendment
310.110 Amendment
310.201 Amendment
310.202 Amendment
310.210 Amendment
310.220 Amendment
310.221 Amendment
310.222 Amendment
310.230 Amendment
310.232 Amendment
310.233 Amendment
310.330 Amendment
310.510 Amendment
310.611 Amendment
310.633 Amendment
310.635 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 1114, pars. 13, 13.3 and 1027.
- 5) Effective Date of Amendments: April 27, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference?
Yes. This proceeding updates the incorporations by reference at Section 310.107(b) to the latest edition of the Code of Federal Regulations.
- 8) Date filed in Board's Principal Office: Order adopted February 27, 1992.
- 9) Notice of Proposal Published in Illinois Register:
December 6, 1991, 15 Ill. Reg. 17481
- 10) Has JCPR issued a Statement of Objections to these rules? No.
Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 1114, par. 1013.3) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCPR.
- 11) Differences between proposal and final version:
All references to the Code of Federal Regulations are updated to the 1991 edition. The word "by" is added in the Section 310.107 definition of "municipal sludge" at the suggestion of ICPA. The proviso in the definition of "significant industrial user" is reworded at the request of

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IEPA to make it clearer that it applies only to industrial users falling under the second half of the definition, those discharging 25,000 gallons per day or more, contributing five percent of the average dry weather capacity, etc. "403" is deleted from Section 310.510(a)(3)(D), a comma is added after "however" in Section 310.510(a)(3)(E), "structures" is rendered as the plural at Section 310.510(b)(5)(D), "non-substantial" is added at Section 310.510(f), the "control authority . . ." phrase at Section 310.611 is rendered as "the Agency", and the IEPA contact is given as "Division of Land Pollution Control", rather than "Division of Water Pollution Control", at the request of IEPA. "310" is added to the Subpart designation at Section 310.510(a)(4)(B) and (f).

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 1114, par. 1013.3) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace an emergency amendment currently in effect? No.

- 14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of February 27, 1992 in R91-5, which Opinion is available from the address below.

A definition of "significant new user" appears at Section 310.107. Under this definition, a "significant new user" is any industrial user (defined in this section) subject to categorical pretreatment standards or which meets certain conditions:

1. It discharges an average of 25,000 gallons per day (GPD) of process wastewater to the POTW,
2. Its process wastewater contributes five percent or more of the dry weather loading of the POTW, or
3. It has been designated as such by the POTW due to a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard.

The second subsection of this definition includes an exception (which does not apply to the first subsection): an industrial user may petition the local authority and the local authority may determine that the user has no reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard. Under such a determination the industrial user is not a significant industrial user. The Board also effects a number of minor, corrective, non-substantive amendments fully outlined in the Opinion of February 27, 1992.

- 16) Information and questions regarding this adopted amendment shall be directed to:

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Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD

PART 310
PRETREATMENT PROGRAMS

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310.103 Federal Law
310.104 State Law
310.105 Confidentiality
310.107 Incorporations by Reference
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SUBPART B: PRETREATMENT STANDARDS

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310.210 Specific Limits Developed by POTW
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310.302 Authority
310.303 Conditions for Authorization to Grant Removal Credits
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310.330 Exception to POTW Pretreatment Program
310.340 Application for Removal Credits Authorization
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310.350 Continuation of Authorization
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310.401 Pretreatment Permits
310.402 Time to Apply
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310.411 Certification of Capacity
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310.502 Deadline for Program Approval
310.503 Incorporation of Approved Programs in Permits
310.504 Incorporation of Compliance Schedules in Permits
310.505 Reissuance or Modification of Permits
310.510 Pretreatment Program Requirements: Development and Implementation by POTW
310.521 Program Approval
310.522 Contents of Program Submission
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310.531 Agency Action
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310.541 Deadline for Review
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310.544 USEPA Objection
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SUBPART F: REPORTING REQUIREMENTS

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310.632 Signatory Requirements for POTW Reports
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SUBPART J: BYPASS

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 310.910 Definition
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SUBPART K: MODIFICATION OF POTW PRETREATMENT PROGRAMS

Section
 310.920 General
 310.921 Procedures
 310.922 Substantial Modifications

AUTHORITY: Implementing and authorized by Sections 13, 13.3, and 27 of the Environmental Protection Act (Ill. Rev. Stat. 198791, ch. 111-1/2, par. 1013, 1013.3, and 1027-40 amended by P.A. 85-1048, effective January 1, 1989).

SOURCE: Adopted in R86-44 at 12 Ill. Reg. 2502, effective January 13, 1988; amended in R88-18 at 13 Ill. Reg. 2463, effective January 31, 1989; amended in R89-3 at 13 Ill. Reg. 19243, effective November 27, 1989; amended in R89-12 at 14 Ill. Reg. 7608, effective May 8, 1990; amended in R91-5 at 16 Ill. Reg. 7346, effective April 27, 1992

SUBPART A: GENERAL PROVISIONS

Section 310.103 Federal Law

a) The Board intends that this Part be identical in substance with the pretreatment requirements of the Clean Water Act (33 USC 1251 et seq.) and United States Environmental Protection Agency (USEPA) regulations at 40 CFR 401 et seq. (1986).

b) This Part will allow the Agency to issue pretreatment permits, review POTW pretreatment plans and authorize POTW's to issue authorizations to discharge to industrial users when and to the extent USEPA authorizes the Illinois pretreatment program pursuant

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to the Clean Water Act. After authorization the requirements of the Clean Water Act and 40 CFR 401 et seq. will continue in Illinois. In particular, USEPA will:

- 1) Retain the right to request information pursuant to 40 CFR 403.8(f)-(1986); and
- 2) Retain the right to inspect and take samples pursuant to 40 CFR 403.12(1).

c) This Part shall not be construed as exempting any person from compliance, prior to authorization of the Illinois pretreatment program, with the pretreatment requirements of the Clean Water Act, USEPA regulations and NPDES permit conditions.

d) POTW pretreatment programs which have been approved by USEPA pursuant to 40 CFR 403 will be deemed approved pursuant to this Part, unless the Agency determines that it is necessary to modify the POTW pretreatment program to be consistent with State law.

- 1) The Agency shall notify the POTW of any such determination within 60 days after approval of the program by USEPA, or within 60 days after USEPA authorizes the Illinois pretreatment program, whichever is later.

- 2) If the Agency so notifies the POTW, the POTW will apply for program approval pursuant to Section 310.501 et seq.

e) USEPA's access to Agency records and information in possession of the Agency shall be governed by the memorandum of agreement between USEPA and the Agency, subject to confidentiality requirements in Section 310.105.

(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)
 Section 310.105 Confidentiality

a) Information and data provided to the control authority pursuant to this Part which is effluent data shall be available to the public without restriction.

b) With respect to the Board and Agency, confidentiality shall be governed by 35 Ill. Adm. Code 120 and 161.

c) The Agency and POTW's shall make information available to the public at least to the extent provided by 40 CFR 2.302 (1991), incorporated by reference in Section 310.107.

(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)
 Section 310.107 Incorporations by Reference

a) The following publications are incorporated by reference:

- 1) The consent decree in NRDC v. Costle, 12 Environment Reporter Cases 1833 (D.C. Cir. August 16, 1978).

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- 2) Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983, available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401.
- b) The following provisions of the Code of Federal Regulations are incorporated by reference:
- 40 CFR 2.302 (1989²¹)
 - 40 CFR 25 (1989²¹)
 - 40 CFR 122, Appendix D, Tables II and III (1989²¹)
 - 40 CFR 128.140(b) (1977)
 - 40 CFR 136 (1989²¹)
 - 40 CFR 403 (1989²¹)
 - 40 CFR 403, Appendix D (1989²¹)
- c) The following federal statutes are incorporated by reference:
- 1) Section 1001 of the Criminal Code (18 U.S.C. 1001) as of July 1, 1988
 - 2) Clean Water Act (33 U.S.C. 1251 et seq.) as of July 1, 1988
 - 3) Subtitles C and D of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.) as of July 1, 1988
 - d) This Part incorporates no future editions or amendments.
- (Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)
- Section 310.110 Definitions
- "Act" means the Environmental Protection Act (Ill. Rev. Stat. 1989²¹, ch. 111-1/2¹, par. 1001 et seq.)
- "Agency" means the Illinois Environmental Protection Agency.
- "Approval Authority" means the Agency.
- BOARD NOTE: Derived from 40 CFR 403.3(c) (1989²¹).
- "Approved POTW Pretreatment Program" or "Program" or "POTW Pretreatment Program" means a program administered by a POTW which has been approved by the Agency in accordance with Sections 310.541 through 310.546.
- BOARD NOTE: Derived from 40 CFR 403.3(d) (1989²¹).
- "Authorization to discharge" means an authorization issued to an industrial user by a POTW which has an approved pretreatment program. The authorization may consist of a permit, license, ordinance or other mechanism as specified in the approved pretreatment program.
- "Blowdown" means the minimum discharge of recirculating water for

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the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

BOARD NOTE: Derived from 40 CFR 401.11(p) (1989²¹).

"Board" means the Illinois Pollution Control Board.

"CWA" means Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, incorporated by reference in Section 310.107.

BOARD NOTE: Derived from 40 CFR 403.3(b) (1989²¹).

"Control authority" is as defined in Section 310.601.

"Indirect Discharge" or "Discharge" means the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the CWA (33 U.S.C. 1317(b), (c) or (d)).

BOARD NOTE: Derived from 40 CFR 403.3(g) (1989²¹).

"Industrial User" or "User" means a source of indirect discharge. As used in this part, an "industrial user" includes any person who meets any of the following criteria:

Discharges toxic pollutants as defined by 35 Ill. Adm. Code 307.1005.

Is subject to a categorical standard adopted or incorporated by reference in 35 Ill. Adm. Code 307.

Discharges more than 15% of the total hydraulic flow received by the POTW treatment plant.

Discharges more than 15% of the total biological loading of the POTW treatment plant as measured by the 5-day biochemical oxygen demand.

Has caused pass through or interference. Or,

Has presented an imminent endangerment to the health or welfare of persons.

BOARD NOTE: Derived from 40 CFR 403.3(h) (1989²¹).

"Industrial wastewater" means waste of a liquid nature discharged by an industrial user to a sewer tributary to a POTW.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge disposal in compliance with any "sludge requirements."

BOARD NOTE: Derived from 40 CFR 403.3(i) (1989²¹).

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"Municipal sewage" is sewage treated by a POTW exclusive of its industrial component.

"Municipal sludge" is sludge produced by a POTW treatment works.

"Municipality." See "unit of local government."

"New source" means "new source" as defined in Section 310.111.

BOARD NOTE: Derived from 40 CFR 401.11(c) and 403.3(k) (198991).

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

BOARD NOTE: Derived from 40 CFR 401.11(n) (198991).

"Noncontact cooling water pollutants" means pollutants present in noncontact cooling waters.

BOARD NOTE: Derived from 40 CFR 401.11(o) (198991).

"NPDES Permit" means a permit issued to a POTW pursuant to Section 402 of the CWA, or Section 12(f) of the Act and 35 Ill. Adm. Code 309.Subpart A.

BOARD NOTE: Derived from 40 CFR 403.3(l) (198991).

"O and M" means operation and maintenance.

"Pass through" means a discharge of pollutants which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

BOARD NOTE: Derived from 40 CFR 403.3(n) (198991).

"Person" means an individual, corporation, partnership, association, State, "unit of local government" or any interstate body. This term includes the United States government, the State of Illinois and their political subdivisions.

BOARD NOTE: Derived from 40 CFR 401.11(m) (198991) and 33 U.S.C. 1362(5).

"Pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into a sewer.

BOARD NOTE: Derived from 40 CFR 401.11(f) (198991).

"Pollution" means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

BOARD NOTE: Derived from 40 CFR 401.11(g) (198991).

"POTW" means "Publicly Owned Treatment Works," which is defined below.

"POTW Treatment Plant" means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater.

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BOARD NOTE: Derived from 40 CFR 403.3(p) (198991).

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Section 310.232. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings which might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with Section 310.233.

BOARD NOTE: Derived from 40 CFR 403.3(q) (198991).

"Pretreatment permit" means an authorization to discharge to a sewer which is issued by the Agency as the control authority.

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

BOARD NOTE: Derived from 40 CFR 403.3(r) (198991).

"Pretreatment standard," or "standard" means any regulation containing pollutant discharge limits promulgated by USEPA, and incorporated by reference in 35 Ill. Adm. Code 307. This term includes prohibitive discharge limits established pursuant to Section 310.201 through 310.213 or 35 Ill. Adm. Code 307.1101. This term also includes more stringent prohibitions and standards adopted by the Board in this Part or 35 Ill. Adm. Code 307, including 35 Ill. Adm. Code 307.1101, 307.1102 and 307.1103. The term also includes local limits pursuant to Section 310.211 which are a part of an approved pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.3(j) (198991).

"Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

BOARD NOTE: Derived from 40 CFR 401.11(q) (198991).

"Process wastewater pollutants" means pollutants present in process wastewater.

BOARD NOTE: Derived from 40 CFR 401.11(r) (198991).

"Publicly owned treatment works" or "POTW" means a "treatment works" which is owned by the State of Illinois or a "unit of local government." This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastewater. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the "unit of local government" which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

BOARD NOTE: Derived from 40 CFR 403.3(o) (198991).

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"Schedule of compliance" means a schedule of remedial measures included in an authorization to discharge or a pretreatment permit, or an NPDES permit, including an enforceable sequence of interim requirements (for example, actions, operations or milestone events) leading to compliance with this part and 35 Ill. Adm. Code 307. A schedule of compliance does not protect an industrial user or POTW from enforcement.

BOARD NOTE: Derived from 40 CFR 401.11(m) (198991) and 33 U.S.C. 1362(17).

"Significant industrial user" means as follows:

All industrial users subject to categorical pretreatment standards under Section 310.220 through 310.233 and 35 Ill. Adm. Code 307, and

Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the control authority, as defined in Section 310.601, on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with Section 310.510(f)).

except, upon a finding that an industrial user meeting the criteria of this second subsection of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the control authority, as defined in Section 310.601, may at any time, on its own initiative or in response to a petition received from an industrial user or POTW may determine in accordance with Section 310.510(f) that such industrial user is not a significant industrial user.

BOARD NOTE: Derived from 40 CFR 403.3(t) (1991).

"Sludge requirements" means any of the following permits or regulations: 35 Ill. Adm. Code 309.155 (NPDES Permits), 309.208 (Permits for Sites Receiving Sludge for Land Application), 703.121 (RCRA Permits), 807.202 (Solid Waste Permits), the Toxic Substances Control Act (15 U.S.C. 2601) or the Marine Protection, Research and Sanctuaries Act (33 U.S.C. 1401), Section 39(b) of the Act (NPDES Permits), and Section 405(b) of the Clean Water Act (federally-imposed sludge use and management requirements).

BOARD NOTE: Derived from 40 CFR 403.3(i) and 403.7(a) (198991).

"Submission" means a request to the Agency by a POTW for approval of a pretreatment program, or for authorization to grant removal credits.

BOARD NOTE: Derived from 40 CFR 403.3(t) (198991).

"Treatment works" is as defined in 33 U.S.C. 1292(2) (1987). It includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal or industrial wastewater, to implement 33 U.S.C. 1281, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works,

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including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment.

BOARD NOTE: Derived from 40 CFR 403.3(o) (198991) and 33 U.S.C. 1292(2).

"Unit of local government" means a unit of local government, as defined by Art. 7, Sec. 1 of the Illinois Constitution, having jurisdiction over disposal of sewage. "Unit of local government" includes, but is not limited to, municipalities and sanitary districts.

BOARD NOTE: Derived from 40 CFR 401.11(m) (198991) and 33 U.S.C. 1362(4).

"USEPA" means the United States Environmental Protection Agency.

(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)

SUBPART B: PRETREATMENT STANDARDS

Section 310.201 General Prohibitions

a) No industrial user shall introduce into a POTW any pollutant which causes pass through or interference.

b) Affirmative defenses. An industrial user has an affirmative defense in any action brought against it alleging a violation of subsection (a) or 35 Ill. Adm. Code 307. Subpart B101(b)(6) through (b)(9) or (b)(11) through (b)(12) if the industrial user demonstrates that:

1) The industrial user did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference; and

2) Either:

A) The POTW developed in accordance with Section 310.210 a local limit which was designed to prevent pass through or interference for each pollutant in the industrial user's discharge which caused pass through or interference, and the industrial user was in compliance with each such local limit immediately prior to and during the pass through or interference; or

B) If the POTW has not developed in accordance with Section 310.210 local limits which are designed to prevent pass through or interference for the pollutants which caused the pass through or interference, the industrial user's discharge immediately prior to and during the pass through or interference did not change substantially in nature or constituents from the industrial user's prior discharge activity during which the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, sludge requirements.

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- c) These general prohibitions and the specific prohibitions in Section 310.202 apply to each industrial user introducing pollutants into a POTW whether or not the industrial user is subject to other pretreatment standards or any national, state or local pretreatment requirements.

~~(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)~~
 (Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)

Section 310.202 Specific Prohibitions

No person shall cause or allow the introduction into a POTW of the pollutants specified in 35 Ill. Adm. Code 307.800-81101(b).

~~(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)~~
 (Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)

Section 310.210 Specific Limits Developed by POTW

- a) Each POTW which is required to develop a pretreatment program shall, as part of the program, develop and enforce specific limits to implement the prohibitions listed in Sections 310.201(a) and 310.202. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and to effectively enforce such limits.

- b) POTW's which are not required to develop a pretreatment program shall, in cases where pollutants contributed by one or more industrial users result in interference or pass through, and such violation is likely to recur, develop and enforce specific discharge limits for industrial users, which, together with appropriate changes in the POTW treatment plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit, and sludge requirements.

- c) Prior to developing specific discharge limits, POTW's shall give, to persons or groups which have requested notice, individual notice and an opportunity to respond.

- d) The POTW shall base limitations developed pursuant to this Section on the characteristics and treatability of the wastewater by the POTW, effluent limitations which the POTW must meet, sludge requirements, water quality standards in the receiving stream and the pretreatment standards and requirements of this Part and 35 Ill. Adm. Code 307.

~~(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)~~
 (Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)

Section 310.220 Categorical Standards

Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories will be established as

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separate regulations under 35 Ill. Adm. Code 307. These standards, unless specifically noted otherwise, shall be in addition to the general prohibitions established in Sections 310.201 through 310.211, the standards and requirements set forth at 35 Ill. Adm. Code 307.1101 and 310.

~~(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)~~
 (Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)

Section 310.221 Category Determination Request

a) Application deadline.

- 1) The industrial user or POTW may request that the Agency provide written certification as to whether the industrial user falls within that particular subcategory. If an existing industrial user adds or changes a process or operation which may be included in a subcategory, the existing industrial user shall request this certification prior to commencing discharge from the added or changed processes or operation. With respect to new standards:

A) The POTW or industrial user shall direct to USEPA any category determination requests for pretreatment standards adopted by USEPA prior to authorization of the Illinois program.

B) After authorization of the Illinois program, the POTW or industrial user shall direct to the Agency any category determination requests within 60 days after the Board adopts or incorporates by reference a pretreatment standard for a subcategory under which an industrial user may be included.

- 2) A new source shall request this certification prior to commencing discharge.

- 3) If a request for certification is submitted by a POTW, the POTW shall notify any affected industrial user of such applications. The industrial user may provide written comments on the POTW submissions to the Agency within 30 days of notification.

b) Contents of application. Each request shall contain a statement:

- 1) Describing which subcategories might be applicable; and
 2) Citing evidence and reasons why a particular subcategory is applicable and why others are not applicable. Any person signing the application statement submitted pursuant to this Section shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering

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the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- c) Deficient requests. The Agency shall act only on written requests for determinations which contain all of the information required. The Agency shall notify persons who have made incomplete submissions that their requests are deficient and that, unless the time period is extended, they have 30 days to correct the deficiency. If the deficiency is not corrected within 30 days or within an extended period allowed by the Agency, the Agency shall deny the request for a determination.
- d) Final determination.

- 1) When the Agency receives a submission, the Agency shall, if it determines that the submission contains all of the information required by subsection (b), consider the submission, any additional evidence that may have been requested and any other available information relevant to the request. The Agency shall then make a written determination of the applicable subcategory and state the reasons for the determination.

- 2) The Agency shall forward the determination described in subsection (d)(1) to USEPA. If USEPA does not modify the Agency's decision within 60 days after its receipt, the Agency's decision is final.

- 3) If USEPA modifies the Agency's decision, USEPA's decision will be final.

- 4) The Agency shall send a copy of the determination to the affected industrial user and the POW. If the final determination is made by USEPA, the Agency shall send a copy of the determination to the user.

- e) Requests for hearing or legal decision.

- 1) Within 30 days following the date of receipt of notice of the final determination as provided for by subsection (d)(4), the requester may submit a petition to reconsider or contest the decision to USEPA, which will act pursuant to 40 CFR 403.6(a)(5).

- 2) Within 35 days following the date of receipt of notice of the final determination as provided for by subsections (c), (d)(2) or (d)(4), the requester may appeal a final decision made by the Agency to the Board.

BOARD NOTE: Derived from 40 CFR 403.6(a) (198921)-as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 16 Ill. Reg. 7346 , effective April 27, 1992)
Section 310.222 Deadline for Compliance with Categorical Standards

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- a) If a compliance date for an existing or new source categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users shall comply with the standard by the following times, whichever is last:

- 1) The date specified or incorporated by reference; or
 - 2) The date the Board adopts or incorporates the standard by reference; or
 - 3) The date USEPA approves the Illinois pretreatment program.
- If no compliance date for a categorical pretreatment standard is adopted or incorporated by reference in 35 Ill. Adm. Code 307, then industrial users shall comply with the standard by the following times, whichever is last:

- 1) The date the Board adopts or incorporates the standard by reference; or
 - 2) The date USEPA approves the Illinois pretreatment program.
- This Section shall not be construed as extending compliance dates for enforcement of categorical pretreatment standards pursuant to statutes and regulations existing prior to authorization of the Illinois pretreatment program.

BOARD NOTE: Derived from 40 CFR 403.6(b) (198921)-as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 16 Ill. Reg. 7346 , effective April 27, 1992)
Section 310.230 Concentration and Mass Limits

- a) Pollutant discharge limits in categorical pretreatment standards will be expressed either as concentration or mass limits. Limits in categorical pretreatment standards shall apply to the discharge from the process regulated by the standard or as otherwise specified by the standard.

- b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the control authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

- c) A control authority calculating equivalent mass-per-day limitations under subsection (b) shall calculate such limitations by multiplying the limits in the standard by the industrial user's average rate of production. This average rate of production shall be based not upon the designed production capacity, but rather upon a reasonable measure of the industrial user's actual long-term daily production during a representative year. For new sources, actual production shall be estimated using projected production.

- d) A control authority calculating equivalent concentration

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limitations under subsection (b) shall calculate such limitations by dividing the mass limitations derived under subsection (c) by the average daily flow rate of the industrial user's regulated process wastewater. This average daily flow rate must be based upon a reasonable measure of the industrial user's actual long-term average flow rate, such as the average daily flow rate during the representative year.

- e) Equivalent limitations calculated in accordance with subsections (c) and (d) are deemed pretreatment standards. Industrial users shall be required to comply with the equivalent limitations instead of the promulgated categorical standards from which the equivalent limitations were derived.
- f) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average or 4-day average, limitations. Where such standards are being applied, the same production of flow figure shall be used in calculating both types of equivalent limitations.
- g) Any industrial user operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long term average production rate.

BOARD NOTE: Derived from 40 CFR 403.6(c) (1989) as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)
Section 310.232 Dilution

Except where expressly authorized to do so by an applicable categorical pretreatment standard or requirement, no industrial user shall increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The control authority may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or in other cases where the imposition of mass limitations is appropriate. POTW's may allow dilution to meet local limits developed under Section 310.210.

BOARD NOTE: Derived from 40 CFR 403.6(d) (1989) as amended at 53 Fed. Reg. 40611, October 17, 1988.

(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)
Section 310.233 Combined Wastestream Formula

Where process wastewater is mixed prior to treatment with wastewaters other than those generated by the regulated process, the control authority shall derive fixed alternative discharge limits, which the control authority shall

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apply to the mixed discharge. When it is deriving alternative categorical limits, the control authority shall calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the average monthly values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and average monthly limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user shall immediately report any such material or significant change to the control authority. Where appropriate, the control authority shall calculate new alternative categorical limits within 30 days.

- a) Alternative limit calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The control authority shall derive the alternative limit for a specified pollutant by the use of either of the following formulas:

- 1) Alternative concentration limit.

$$C = (T-D) \text{SUM}(CiFi) / (T) \text{SUM}(Fi)$$

where

C = The alternative concentration limit for the combined wastestream.

Ci = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream i.

Fi = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

"SUM(Gi)" means the sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes Fi, D and unregulated streams.

D = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams, subject to the proviso of subsection (d); and
- B) Sanitary wastestreams where such wastestreams are not regulated by a categorical pretreatment standard; and,
- C) From any process wastestreams which were or could have

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been entirely exempted from categorical pretreatment standards as specified in subsection (e).

- 2) Alternative mass limit.

$$M = (T-D) \text{SUM}(M_i) / \text{SUM}(F_i)$$

where

M = The alternative mass limit for a pollutant in the combined wastestream.

M_i = The categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

"SUM(G_i)" means the sum of the results of calculation G for streams i = 1 to i = N.

N = The total number of regulated streams.

T = The average daily flow (at least a 30-day average) through the combined pretreatment facility (includes F_i, D and unregulated streams.

D = The average daily flow (at least a 30-day average) from:

- A) Boiler blowdown streams, non-contact cooling streams, stormwater streams and demineralizer backwash streams subject to the proviso of subsection (d); and
- B) Sanitary wastestreams where such wastestreams are not regulated by a categorical pretreatment standard; and,
- C) From any process wastestreams which were or could have been entirely exempted from categorical pretreatment standards as specified in subsection (e).

- b) Alternative limits below detection. An alternative pretreatment limit shall not be used if the alternative limit is below the analytical detection limit for any of the regulated pollutants.

- c) Self-monitoring. Self-monitoring required to insure compliance with the alternative categorical limit shall be as follows:

- 1) The type and frequency of sampling, analysis and flow measurement shall be determined by reference to the self-monitoring requirements of the appropriate categorical pretreatment standards.

- 2) Where the self-monitoring schedules for the appropriate standards differ, monitoring shall be done according to the most frequent schedule.

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- 3) Where flow determines the frequency of self-monitoring in a categorical pretreatment standard, the sum of all regulated flows (F_i) is the flow which shall be used to determine self-monitoring frequency.

- d) Proviso to subsections (a)(1) and (a)(2). Where boiler blowdown, non-contact cooling streams, stormwater streams and demineralizer backwash streams contain a significant amount of a pollutant and the combination of such streams, prior to pretreatment, with the industrial user's regulated process wastestreams will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, shall determine whether such wastestreams should be classified as diluted or unregulated. In its application to the control authority, the industrial user shall provide engineering, production, sampling and analysis and such other information so the control authority can make its determination.

- e) Exemptions from categorical pretreatment standards. Process wastestreams were or could have been entirely exempted from categorical pretreatment standards pursuant to paragraph 8 of the NRDC v. Costle consent decree, incorporated by reference in Section 310.107, for one or more of the following reasons (see 40 CFR 403, Appendix D, incorporated by reference in Section 310.107.):

- 1) The pollutants of concern are not detectable in the discharge from the industrial user;
- 2) The pollutants of concern are present only in trace amounts and are neither causing nor are likely to cause toxic effects;
- 3) The pollutants of concern are present in amounts too small to be effectively reduced by technologies known to USEPA;
- 4) The wastestream contains only pollutants which are compatible with the POTW.

- f) Where a treated regulated process wastestream is combined prior to treatment with wastewaters other than those generated by the regulated process, the industrial user may monitor either the segregated process wastestream or the combined wastestream for the purpose of determining compliance with applicable pretreatment standards. If the industrial user chooses to monitor the segregated process wastestream, it shall apply the applicable categorical pretreatment standard. If the user chooses to monitor the combined wastestream, it shall apply an alternative discharge limit calculated using the combined wastestream formula as provided in this Section. The industrial user may change monitoring points only after receiving approval from the control authority. The control authority shall ensure that any change in an industrial user's monitoring point or points will not allow the user to substitute dilution for adequate treatment to achieve compliance with applicable standards.

BOARD NOTE: Derived from 40 CFR 403.6(e)(1989)17-as amended-~~as~~ 53 Fed. Reg. 40611, October 17, 1988.

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terminated where a violation of the provisions of this Section results from causes entirely outside of the control of the industrial user or the industrial user has demonstrated substantial compliance.

- f) The Agency may elect not to review an application for conditional removal credit authority upon receipt of such application, in which case the conditionally revised discharge limits remain in effect until reviewed by the Agency. This review may occur at any time in accordance with the procedures of Section 310.541 through Section 310.547, but in any event no later than the time of any pretreatment program approval or any NPDES permit reissuance.

~~(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)~~

(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)

SUBPART E: POTW PRETREATMENT PROGRAMS

Section 310.510 Pretreatment Program Requirements: Development and Implementation by POTW

A POTW pretreatment program shall meet the based on the following requirements: legal authority, and include the following procedures, and these authorities and procedures shall at all times be fully and effectively exercised and implemented:

- a) Legal authority. The POTW shall operate pursuant to legal authority enforceable in federal, state or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of this Part and 35 Ill. Adm. Code 307. Such authority may be contained in a statute, ordinance or series of joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:
 - 1) Deny or condition new or increased contributions of pollutants or changes in the nature of pollutants, to the POTW by industrial users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its NPDES permit;
 - 2) Require compliance with applicable pretreatment standards and requirements by industrial users;
 - 3) Control, through ordinance, permit, order or similar means, the contribution to the POTW by each industrial user to ensure compliance with applicable pretreatment standards and requirements, and in the case of each significant industrial user, as defined at 35 Ill. Adm. Code 310.110, this control shall be achieved through permits or equivalent individual control mechanisms issued to each such user; such control mechanisms must be enforceable and contain, at a minimum, the following conditions:
 - A) A statement of duration (in no case more than five years);

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(Source: Amended at 16 Ill. Reg. 7346, effective April 27, 1992)

SUBPART C: REMOVAL CREDITS

Section 310.330 Exception to POTW Pretreatment Requirement

A POTW required to develop a local pretreatment program under Subpart E may grant removal credits conditionally pending approval of such a program in accordance with the following terms and conditions:

- a) All industrial users who are currently subject to a categorical pretreatment standard and who wish to receive conditionally a removal credit shall submit to the POTW the information required by Section 310.602(a)-(g) (except new or modified industrial users must only submit the information required by Section 310.602(a)-(f)), pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users shall indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standard as modified by the removal credit;
- b) The POTW must have submitted to the Agency an application for pretreatment program approval meeting the requirements of Subpart E in a timely manner, not to exceed the time limitations set forth in a compliance schedule for development of a pretreatment program included in the POTW's NPDES permit.
- c) The POTW shall:
 - 1) Compile and submit data demonstrating its consistent removal;
 - 2) Comply with the conditions specified in Section 310.303; and
 - 3) Submit a complete application for removal credit authority in accordance with Section 310.340.
- d) If a POTW receives authority to grant conditional removal credits and the Agency subsequently makes a final determination, after appropriate notice, that the POTW failed to comply with the conditions in subsections (b) and (c), the Agency shall terminate the authority to grant conditional removal credits and all industrial users to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standards within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard.
- e) If a POTW grants conditional removal credits and the POTW or the Agency subsequently makes a final determination, after appropriate notice, that the industrial user failed to comply with the conditions in subsection (a), the POTW or Agency shall terminate the conditional credit for the non-complying industrial user and the industrial user to whom the revised discharge limits had been applied shall achieve compliance with the applicable categorical pretreatment standard within a reasonable time, not to exceed the period of time prescribed in the applicable categorical pretreatment standard. The conditional credit shall not be

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- B) A statement of non-transferability without, at a minimum, prior notification to the POTW and provision of a copy of the existing control mechanism to the new owner or operator;
- C) Effluent limits based on applicable general pretreatment standards in this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law;
- D) Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards of this Part and 35 Ill. Adm. Code 307, categorical pretreatment standards, local limits, and local law; and
- E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule; however, such schedules may not extend the compliance date beyond applicable federal deadlines;
- 4) Require:
- A) The development of a compliance schedule by each industrial user for the installation of technology required to meet applicable pretreatment standards and requirements; and
- B) The submission of all notices and self-monitoring reports from industrial users as are necessary to assess and assure compliance by industrial users with pretreatment standards and requirements, including, but not limited, to the reports required in 310 Subpart F;
- 5) Carry out all inspection, surveillance and monitoring procedures necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements by industrial users. Representatives of the POTW shall be authorized to enter any premises of any industrial user in which a discharge source or treatment system is located or in which records are required to be kept under Section 310.634 to assure compliance with pretreatment standards. Such authority shall be at least as extensive as the authority provided under Section 308 of the CWA;
- 6) Obtain remedies for noncompliance by any industrial user with any pretreatment standard or requirement-i
- A) All POTW's shall be able to seek injunctive relief for noncompliance by industrial users with pretreatment standards or requirements. All POTW's shall also have authority to seek or assess civil or criminal

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- penalties in at least the amount of \$1000 a day for each violation by industrial users of pretreatment standards and requirements. POTW's whose approved pretreatment programs require modification to conform to the requirements of this subsection shall submit a request by November 16, 1989-i
- B) Pretreatment requirements which will be enforced through the remedies set forth in subsection (a)(6)(A) will include but not be limited to: the duty to allow or carry out inspections, entry or monitoring activities; any rules, regulations or orders issued by the POTW; any requirements set forth in individual control mechanisms issued by the POTW; or any reporting requirements imposed by the POTW, this Part or 35 Ill. Adm. Code 307. The POTW shall have authority and procedures (after notice to the industrial user) immediately and effectively to halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of persons. The POTW shall also have authority and procedures (which shall include notice to the affected industrial users and an opportunity to respond) to halt or prevent any discharge to the POTW which presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW. The Agency shall have authority to seek judicial relief for noncompliance by industrial users when the POTW has acted to seek such relief but has sought a monetary penalty which the Agency finds to be insufficient—the procedures for notice to industrial users where the POTW is seeking ex parte temporary judicial injunctive relief will be governed by applicable state or federal law and not by this provision; and
- 7) Comply with the confidentiality requirements set forth in Section 310.105;
- b) Procedures. The POTW shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the POTW to:
- 1) Identify and locate all possible industrial users which might be subject to the POTW pretreatment program. Any compilation, index or inventory of industrial users made under this subsection shall be made available to the Agency upon request-i
 - 2) Identify the character and volume of pollutants contributed to the POTW by the industrial users identified under subsection (b)(1). This information shall be made available to the Agency upon request-i
 - 3) Notify industrial users identified under subsection (b)(1) of applicable pretreatment standards and any applicable requirements under Section 204(b) and 405 of the CWA and Subtitles C and D of the Resource Conservation and Recovery Act, incorporated by reference in Section 310.107. Within

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- 30 days of approval, pursuant to subsection (f), of a list of significant industrial users, notify each significant industrial user of its status as such and of all requirements applicable to it as a result of such status;
- 4) Receive and analyze self-monitoring reports and other notices submitted by industrial users in accordance with the self-monitoring requirements in Subpart D;
- 5) Randomly sample and analyze the effluent from industrial users and conduct surveillance and inspection activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year. Evaluate, at least once every two years, whether each such significant industrial user needs a plan to control slug discharges. For purposes of this subsection, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge. The results of these activities shall be made available to the Agency upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:
- A) A description of discharge practices, including non-routine batch discharges;
- B) A description of stored chemicals;
- C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 310.202 and 35 Ill. Adm. Code 307.Subpart B, with procedures for follow-up written notification within five days; and
- D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and measures and equipment for emergency response;
- 6) Investigate instances of noncompliance with pretreatment standards and requirements, as indicated in the reports and notices required under Subpart D or as indicated by analysis, inspection and surveillance activities described in subsection (b)(5). Sample taking and analysis, and the collection of other information, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions; and
- 7) Comply with the public participation requirements of 40 CFR 25, incorporated by reference in Section 310.107, in the enforcement of pretreatment standards. These procedures

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- shall include provision for providing, at least annually, public notification, in a newspaper of general circulation in the unit of local government in which the POTW is located, of industrial users which, during the previous 12 months, were in significant violation of noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, a significant violation is a violation which remains uncorrected 45 days after notification of noncompliance which is part of a pattern of noncompliance over a twelve month period, which involves a failure to accurately report noncompliance, or which resulted in the POTW exercising its emergency authority under subsection (e)(6)(B), an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B) "Technical review criteria" (TRC) violations, which shall mean those violations in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under subsection (a)(6)(B) to halt or prevent such a discharge;
- E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F) Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G) Failure to accurately report noncompliance; or

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- H1** Any other violation or group of violations which the Agency determines will adversely affect the operation or implementation of the local pretreatment program.
- c)** The POTW shall have sufficient resources and qualified personnel to carry the authorities and procedures described in subsections (a) and (b)-i
- d)** Local limits. The POTW shall develop local limits as required in Section 310.210 or demonstrate that they are not necessary-i
- e1** The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:
- 1)** Describe how the POTW will investigate instances of noncompliance;
 - 2)** Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;
 - 3)** Identify (by title) the officials responsible for each type of response; and
 - 4)** Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in subsections (a) and (b); and

f1 The POTW shall prepare a list of its industrial users meeting the criteria in the first subsection of the definition of "significant industrial user" at Section 310.110. The list shall identify the criteria in the first subsection of the definition of "significant industrial user" at Section 310.110 applicable to each industrial user and, for industrial users meeting the criteria in the second subsection of that definition, shall also indicate whether the POTW has made a determination pursuant to the caveat in the second subsection of that definition that such industrial user should not be considered a significant industrial user. This list, and any subsequent modifications thereto, shall be submitted to the Agency as a non-substantial program modification pursuant to Subpart K. Discretionary designations or de-designations by the control authority shall be deemed to be approved by the Agency 90 days after submission of the list or modifications thereto.

BOARD NOTE: See Derived from 40 CFR 403.8(f) (198891).

(Source: Amended at 16 Ill. Reg. 7346 , effective April 27, 1992)

SUBPART F: REPORTING REQUIREMENTS

Section 310.611 Requirements for Non-Categorical Users

The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant noncategorical industrial users shall

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submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR part 136, incorporated by reference at Section 310.107. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Agency determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons approved by the Agency. Where the POTW itself collects the information required for the report, the noncategorical significant industrial user will not be required to submit the report. For the purposes of this Section, "significant noncategorical industrial user" means a significant industrial user that is not subject to categorical pretreatment standards.

BOARD NOTE: Derived from 40 CFR 403.12(h) (1991), as added at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 16 Ill. Reg. 7346 , effective April 27, 1992)

Section 310.613 Notification of Changed Discharge

All industrial users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under Section 310.635.

BOARD NOTE: Derived from 40 CFR 403.12(j) (1990), as added at 53 Fed. Reg. 40614, October 17, 1988.

(Source: Amended at 16 Ill. Reg. 7346 , effective April 27, 1992)

Section 310.633 Fraud and False Statements

The reports required by Sections 310.602, 310.604, 310.605, 310.611, 310.612 and 310.621 this Subpart are subject to the provisions of Section 1001 of Crimes and Criminal Procedure (18 U.S.C. 1001), incorporated by reference in Section 310.107, relating to fraud and false statements; and the provisions of Section 309(c)(24) of the CWA governing false statements, representations or certifications in reports required under the CWA; the provisions of section 309(c)(16) of the CWA regarding responsible corporate officers; and to the provisions of Title XII of the Act.

BOARD NOTE: Derived from 40 CFR 403.12(k) (1988), redesignated 40 CFR 403.12(n) (1991), as amended by 53 Fed. Reg. 40614, October 17, 1988

(Source: Amended at 16 Ill. Reg. 7346 , effective April 27, 1992)

Section 310.635 Notification of Discharge of Hazardous Waste

a) Requirement for notification.

- 1)** The industrial user shall notify the POTW; the Director, Waste Management Division, USEPA Region V, 230 South Dearborn Street, Chicago, Illinois 60604; and the Manager.

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Division of Land Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 35 Ill. Adm. Code 721. Such notification must include the name of the hazardous waste as set forth in 35 Ill. Adm. Code 721, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information, to the extent such information is known and readily available to the industrial user:

- A) An identification of the hazardous constituents contained in the wastes.
- B) an estimation of the mass and concentration of such constituents in the wastewater discharged during that calendar month, and
- C) an estimation of the mass of constituents in the wastewater expected to be discharged during the following twelve months.

- 2) Time for notification. All notifications required under subsection (a)(1) must take place within 180 days of the effective date of this rule. Industrial users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste.
- 3) Frequency for notification. Any notification required under subsection (a)(1) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 310.613.
- 4) Exception for notification under other provisions. The notification requirement of subsection (a)(1) does not apply to pollutants already reported under the self-monitoring requirements of Sections 310.602, 310.604 and 310.605.

- b) Exemption to reporting requirement. Discharges are exempt from the requirements of subsection (a)(1) during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 35 Ill. Adm. Code 721.130(d) and 721.133(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

- c) Newly-listed hazardous wastes. In the case of any new regulations under section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify

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the POTW; USEPA Region V, Waste Management Division; and the Agency, Division of Land Pollution Control of the discharge of such substance, pursuant to subsection (a)(1), within 90 days of the effective date of such regulations.

- d) Required certification. In the case of any notification made under this Section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

BOARD NOTE: Derived from 40 CFR 403.12(p) (1990).

(Source: Added at 16 Ill. Reg. 7346, effective April 27, 1992)

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1) Heading of the Part: SEWER DISCHARGE CRITERIA2) Code Citation: 35 Ill. Adm. Code 3073) Section Numbers: Adopted Action:

307.1101 Amendment
 307.2400 Amendment
 307.2401 Amendment
 307.2402 Amendment
 307.2403 Amendment
 307.2404 Amendment
 307.2405 Amendment
 307.2406 Amendment
 307.2407 Amendment
 307.2490 Amendment
 307.3100 Amendment
 307.3109 Amendment
 307.3115 Amendment
 307.3119 Amendment
 307.3120 Amendment
 307.3124 Amendment
 307.3129 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1013, 1013.3 and 1027.5) Effective Date of Amendments: April 27, 19926) Does this rulemaking contain an automatic repeal date? No.7) Do these amendments contain incorporations by reference?

Yes. The pre-existing text of this Part includes numerous incorporations of the Code of Federal Regulations and Federal Register by reference. Numerous of the amendments update those incorporations by reference to more recent volumes of these documents.

8) Date filed in Board's Principal Office: Order adopted February 27, 1992.9) Notice of Proposal Published in Illinois Register:

15 Ill. Reg. 17523, December 5, 1991

10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1013.3) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

All references to the Code of Federal Regulations are updated to the 1991 edition.

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12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1013.3) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace an emergency amendment currently in effect? No.14) Are there any other amendments pending on this Part? No.15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of February 27, 1992 in R91-5, which Opinion is available from the address below.

The amendment of Section 307.1101(b)(1) is intended to add specificity to the prohibition against discharge of materials that can cause a fire or explosion hazard. It now specifies a flashpoint limit and a test method for the discharges. New subsection 307.1101(b)(11) adds a prohibition against discharging oils into a sewer of types and in quantities that could cause treatment plant upset or pass through. New subsection 307.1101(b)(12) adds a prohibition against discharging pollutants into a sewer that could cause toxic gases, vapors and fumes at the treatment plant in a quantity which could endanger worker health and safety. New subsection 307.1101(b)(13) adds a prohibition against discharging into a sewer system at any point except a point designated by the POTW. The amendments to Sections 307.2401, 307.2402, 307.2403, 307.2404, 307.2405, 307.2406, 307.2407, and 307.2490 withdraw the limitations for 13 pollutants in the Organic Chemicals, Plastics and Synthetic Fibers Category subject to a federal judicial remand. The amendments to Sections 307.3100, 307.3109, 307.3115, 307.3119, 307.3120, 307.3124, and 307.3129 in the Nonferrous Metals Manufacturing category result from settlement negotiations arising from several federal judicial challenges to federal rules. Primarily, the amendments change limitations based on revised estimates of treatment removal effectiveness for various pollutants. They also correct certain assumptions as to manufacturing production, revise effective dates, and effect some clarifications. The Board also effects a number of minor, corrective, non-substantive amendments fully outlined in the Opinion of February 27, 1992.

16) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
 Attorney
 Illinois Pollution Control Board
 100 W. Randolph 11-500
 Chicago, IL 60610
 312-814-6924

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 307

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307.102 General Requirements (Renumbered)
307.103 Mercury (Renumbered)
307.104 Cyanide (STORET number 00720) (Renumbered)
307.105 Pretreatment Requirements (Repealed)
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- 5) Discharges with a pH less than 5.0, unless the POTW is specifically designed to accommodate such discharges.
- 6) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
- 7) Any pollutant, including oxygen demanding pollutants, at a flow rate or concentration which will cause interference with the POTW.
- 8) Heat in amounts which will inhibit biological activity in the POTW and interfere with the POTW.
- 9) Heat in amounts which results in temperatures in the influent to the POTW treatment plant in excess of 40 degrees C (104 degrees F) unless the Agency approves alternate temperature limits in pretreatment plan.
- 10) Pollutants which would cause the effluent from the treatment works to violate applicable effluent standards.
- 11) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.
- 12) Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems; or
- 13) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

BOARD NOTE: Derived from 40 CFR 403.3 (1991).

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

SUBPART O: ORGANIC CHEMICALS, PLASTICS AND SYNTHETIC FIBERS

Section 307.2400 General Provisions

- a) General definitions. The Board incorporates by reference 40 CFR 414.10, as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- b) Applicability.
 - 1) This Subpart applies to process wastewater discharges from all establishments or portions of establishments which manufacture the organic chemicals, plastics and synthetic fibers (OCPSF) products or product groups which are covered by Sections 307.2402 through 307.2408 and which are included in the following SIC major groups, as defined in the Standard Industrial Classification Manual, incorporated by reference in 35 Ill. Adm. Code 310.107:
 - A) SIC 2821 -- Plastic materials, synthetic resins and

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- nonvulcanizable elastomers.
- B) SIC 2823 -- Cellulosic man-made fibers.
- C) SIC 2824 -- Synthetic organic fibers, except cellulosic.
- D) SIC 2865 -- Cyclic crudes and intermediates, dyes and organic pigments.
- E) SIC 2869 -- Industrial organic chemicals, not elsewhere classified.
- 2) This Subpart applies to wastewater discharges from OCPSF research and development, pilot plant, technical service and laboratory bench scale operations if such operations are conducted in conjunction with and related to existing OCPSF manufacturing activities at the plant site.
- 3) Notwithstanding subsection (b)(1), this Subpart does not apply to discharges resulting from the manufacture of OCPSF products if the products are included in the following SIC subgroups and if the products have in the past been reported by the establishment under these subgroups and not under the SIC groups listed in subsection (b)(1):
 - A) SIC 2843085 -- Bulk surface active agents.
 - B) SIC 28914 -- Synthetic resin and rubber adhesives;
 - C) Chemicals and chemical preparations not elsewhere classified:
 - i) SIC 2899568 -- Sizes, all types.
 - ii) SIC 2899597 -- Other industrial chemical specialties, including fluxes, plastic wood preparations and embalming fluids.
 - D) SIC 2911058 -- Aromatic hydrocarbons manufactured from purchased refinery products.
 - E) SIC 2911632 -- Aliphatic hydrocarbons manufactured from purchased refinery products.
- 4) Notwithstanding subsection (b)(1), this Subpart does not apply to any discharges for which a different set of previously promulgated standards in Subparts F et seq. apply, unless the facility reports OCPSF products under SIC codes 2865, 2869 or 2821, and the facility's OCPSF wastewaters are discharged separately to a POTW.
- 5) This Subpart does not apply to any process wastewater discharge from the manufacture of organic chemical compounds solely by extraction from plant and animal raw materials or by fermentation processes.
- 6) Discharges of chromium, copper, lead, nickel and zinc in

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"complexed metal-bearing wastestreams," listed in Section 307.2491, are not subject to this Subpart.

- c) Compliance date. All dischargers subject to a pretreatment standard for existing sources in this Subpart must comply with the standard by no later than November 5, 1990.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

Section 307.2401 Rayon Fibers

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of rayon fiber by the viscose process only.

b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.25, ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991)~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.26, ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991)~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

Section 307.2402 Other Fibers

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the following SIC 2823 cellulosic man-made fibers and fiber groups, except rayon and SIC 2824 synthetic organic fibers and fiber groups. Product groups are indicated with an asterisk (*).

*Acrylic fibers (85% Polyacrylonitrile)
*Cellulose acetate fibers
*Fluorocarbon (Teflon) fibers
*Modacrylic fibers

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*Nylon 6 fibers
Nylon 6 monofilament
*Nylon 66 fibers
Nylon 66 monofilament
*Polyamide fibers (Quilana)
*Polyaramid (Kevlar) resin fibers
*Polyaramid (Nomex) resin fibers
*Polyester fibers
*Polyethylene fibers
*Polypropylene fibers
*Polyurethane fibers (Spandex)

b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.35, ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991)~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.36, ~~as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991)~~. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

Section 307.2403 Thermoplastic Resins

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the following SIC 28213 thermoplastic resins and thermoplastic resin groups. Product groups are indicated with an asterisk (*).

*Abietic acid -- Derivatives
*ABS resins
*ABS-SAN resins
*Acrylate-methacrylate latexes
*Acrylic latex
*Acrylic resins
*Cellulose acetate butyrates
*Cellulose acetate resin
*Cellulose acetates

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*Cellulose acetates propionates
 Cellulose nitrate
 Cellulose sponge
 *Ethylene-methacrylic acid copolymers
 *Ethylene-vinyl acetate copolymers
 *Fatty acid resins
 *Fluorocarbon polymers
 Nylon 11 resin
 *Nylon 6-66 copolymers
 *Nylon 6 -- Nylon 11 blends
 Nylon 6 resin
 Nylon 612 resin
 Nylon 66 resin
 *Nylons
 *Petroleum hydrocarbon resins
 *Polyvinyl pyrrolidone -- copolymers
 Poly(alpha)olefins
 Polyacrylic acid
 *Polamides
 *Polyarylamides
 Polybutadiene
 Polybutenes
 Polybutyl succinic anhydride
 *Polycarbonates
 *Polyester resins
 *Polyester resins, Polybutylene terephthalate
 Polyethylene
 Polyethylene -- ethyl acrylate resins
 *Polyethylene -- polyvinylacetate copolymers
 Polyethylene resin (HDPE)
 Polyethylene resin (LDPE)
 Polyethylene resin, scrap
 Polyethylene resin, wax (low molecular weight)
 Polyethylene resin, latex
 Polyethylene resins, compounded
 *Polyethylene, chlorinated
 *Polyimides
 *Polypropylene resins
 Polystyrene (crystal)
 Polystyrene (crystal) modified
 *Polystyrene -- copolymers
 *Polystyrene -- acrylic latexes
 Polystyrene impact resins
 Polystyrene latex
 Polystyrene, expandable
 Polystyrene, expanded
 *Polysulfone resins
 Polyvinyl acetate
 *Polyvinyl acetate -- PVC copolymers
 *Polyvinyl acetate copolymers
 *Polyvinyl acetate resins
 Polyvinyl alcohol resin
 Polyvinyl chloride
 Polyvinyl chloride, chlorinated
 *Polyvinyl ether -- maleic anhydride
 *Polyvinyl formal resins

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*Polyvinylacetate -- methacrylic copolymers
 *Polyvinylacetate acrylic copolymers
 *Polyvinylacetate -- 2-ethylhexylacrylate copolymers
 Polyvinylidene chloride
 *Polyvinylidene chloride copolymers
 *Polyvinylidene -- vinyl chloride resins
 *PVC copolymers, acrylates (Latex)
 *PVC copolymers, ethylene -- vinyl chloride
 *Rosin derivative resins
 *Rosin modified resins
 *Rosin resins
 *SAN resins
 *Silicones: Silicone resin
 *Silicones: Silicone rubbers
 *Styrene -- maleic anhydride resins
 Styrene polymeric residue
 *Styrene -- acrylic copolymer resins
 *Styrene -- acrylonitrile -- acrylates copolymers
 *Styrene -- butadiene resins
 *Styrene -- butadiene resins (less than 50% butadiene)
 *Styrene -- butadiene resins (Latex)
 *Styrene -- divinyl benzene resins (ion exchange)
 *Styrene -- methacrylate terpolymer resins
 *Styrene -- methyl methacrylate copolymers
 *Styrene, butadiene, vinyl toluene terpolymers
 *Sulfonated styrene -- maleic anhydride resins
 *Unsaturated polyester resins
 *Vinyl toluene resins
 *Vinyl toluene -- acrylate resins
 *Vinyl toluene -- butadiene resins
 *Vinyl toluene -- methacrylate resins
 *Vinylacetate -- n-butylacrylate copolymers

b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.45, as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.46, as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or

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Installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

Section 307.2404 Thermosetting Resins

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the following SIC 28214 thermosetting resins and thermosetting resin groups. Product groups are indicated with an asterisk (*).

*Alkyd resins
Dicyanodiamide resin
*Epoxy resins
*Fumaric acid polyesters
*Furan resins
Glyoxal -- urea formaldehyde textile resin
*Ketone -- formaldehyde resins
*Melamine resins
*Phenolic resins
*Polyacetal resins
*Polyacrylamide
*Polyurethane prepolymers
*Polyurethane resins
*Urea formaldehyde resins
*Urea resins

- b) Specialized definitions. None.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.55, as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.56, as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

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Section 307.2405 Commodity Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of the following SIC 2865 or 2869 commodity organic chemicals and commodity organic chemical groups. Product groups are indicated with an asterisk (*).

- 1) Aliphatic organic chemicals

Acetaldehyde
Acetic acid
Acetic anhydride
Acetone
Acrylonitrile
Adipic acid
*Butylenes (Butenes)
Cyclohexane
Ethanol
Ethylene
Ethylene glycol
Ethylene oxide
Formaldehyde
Isopropanol
Methanol
Polyoxypropylene glycol
Propylene
Propylene oxide
Vinyl acetate
1,2-Dichloroethane
1,3-Butadiene

- 2) Aromatic organic chemicals

Benzene
Cumene
Dimethyl terephthalate
Ethylbenzene
m-Xylene (Impure)
p-Xylene
Phenol
Pitch tar residues
Pyrolysis gasolines
Styrene
Terephthalic acid
Toluene
*Xylenes, mixed
o-Xylene

- 3) Halogenated organic compounds

Vinyl chloride

- b) Specialized definitions. None.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.65, as

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adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991).
This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.66, as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) For discharges of wastewater resulting from the manufacture of butadiene by any process which includes the oxidative dehydrogenation of butene, "new source" means any building, structure, facility or installation the construction of which commenced after December 17, 1973. For other sources, "new source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)
Section 307.2406 Bulk Organic Chemicals

- a) Applicability. This section applies to discharges of process wastewater resulting from the manufacture of the following SIC 2865 or 2869 bulk organic chemicals and bulk organic chemical groups. Product groups are indicated with an asterisk (*).

1) Aliphatic organic chemicals

- *Acetic acid esters
- *Acetic acid salts
- Acetone cyanohydrin
- Acetylene
- Acrylic acid
- *Acrylic acid esters
- *Alkoxy alkanols
- *Alkylates
- *alpha-olefins
- Butane (all forms)
- C-4 hydrocarbons (unsaturated)
- Calcium stearate
- Caprolactam
- Carboxymethyl cellulose
- Cellulose acetate butyrates
- *Cellulose ethers
- Citric acid
- Cumene hydroperoxide
- Cyclohexanol

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- Cyclohexanol, cyclohexanone (mixed)
- Cyclohexanone
- Cyclohexene
- *C12 -- C18 primary alcohols (mixed)
- *C5 concentrates
- *C9 concentrates
- Decanol
- Diacetone alcohol
- *Dicarboxylic acids -- salts
- Diethyl ether
- Diethylene glycol
- Diethylene glycol diethyl ether
- Diethylene glycol dimethyl ether
- Diethylene glycol monomethyl ether
- Diethylene glycol monomethyl ether
- *Dimer acids
- Dioxane
- Ethane
- Ethylene glycol monophenyl ether
- *Ethoxylates, miscellaneous
- Ethylene glycol dimethyl ether
- Ethylene glycol monobutyl ether
- Ethylene glycol monomethyl ether
- *Fatty acids
- Glycerine (synthetic)
- Glyoxal
- Hexane
- *Hexane and other C6 hydrocarbons
- Isobutanol
- Isobutylene
- Isobutyraldehyde
- Isophorone
- Isophthalic acid
- Isoprene
- Isopropyl acetate
- Ligninsulfonic acid, calcium salt
- Maleic anhydride
- Methacrylic acid
- *Methacrylic acid esters
- Methane
- Methyl ethyl ketone
- Methyl methacrylate
- Methyl tert-butyl ether
- Methyl isobutyl ketone
- n-alkanes
- n-butyl alcohol
- n-butyl acetate
- n-butyraldehyde
- n-butyric acid
- n-butyric anhydride
- *n-paraffins
- n-propyl acetate
- n-propyl alcohol
- Nitrotriacetic acid
- Nylon salt
- Oxalic acid
- *Oxo aldehydes -- alcohols

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Pentaerythritol
 Pentane
 *Pentenes
 *Petroleum sulfonates
 Pine oil
 Polyoxybutylene glycol
 Polyoxyethylene glycol
 Propane
 Propionaldehyde
 Propionic acid
 Propylene glycol
 sec-butyl alcohol
 Sodium formate
 Sorbitol
 Stearic acid, calcium salt (wax)
 tert-butyl alcohol
 1-Butene
 1-Pentene
 1,4-Butanediol
 Isobutyl acetate
 2-Butene (cis and trans)
 2-Ethylhexanol
 2-Ethylbutyraldehyde
 2,2,4-Trimethyl-1,3-pentanediol

2) Amine and amide organic chemicals

2,4-Diaminotoluene
 *Alkyl amines
 Aniline
 Caprolactam, aqueous concentrate
 Diethanolamine
 Diphenylamine
 *Ethanolamines
 Ethylamine
 Ethylenediamine
 Ethylenediaminetetraacetic acid
 *Fatty acids
 Hexamethylenediamine
 Isopropylamine
 m-Toluidine
 Melamine
 Melamine crystal
 *Methylamines
 Methylene dianiline
 n-Butylamine
 N,N-diethylaniline
 N,N-dimethylformamide
 *Nitroanilines
 Polymeric methylene dianiline
 sec-Butylamine
 tert-Butylamine
 Toluenediamine (mixture)
 *Toluidines
 o-Phenylenediamine
 1,4-Phenylenediamine dihydrochloride
 2,6-Dimethylaniline
 4-(N-Hydroxyethylethylamino)-2-hydroxyethyl aniline

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4,4'-Methylenebis(N,N'-dimethyl)aniline
 4,4'-Methylenedianiline

3) Aromatic organic chemicals

alpha-methylstyrene
 *Alkyl benzenes
 *Alkyl phenols
 *Alkylbenzene sulfonic acids, salts
 Aminobenzoic acid (meta and para)
 Aspirin
 beta-naphthalene sulfonic acid
 Benzenedisulfonic acid
 Benzoic acid
 Bis(2-ethylhexyl)phthalate
 Bisphenol A
 BTX -- benzene, toluene, xylene (mixed)
 Butyl octyl phthalate
 Coal tar
 *Coal tar products (miscellaneous)
 Creosote
 *Cresols, mixed
 Cyanuric acid
 *Cyclic aromatic sulfonates
 Dibutyl phthalate
 Diisobutyl phthalate
 Diisodecyl phthalate
 Diisooctyl phthalate
 Dimethyl phthalate
 Dinitrotoluene (mixed)
 Ditridecyl phthalate
 m-Cresol
 Metanilic acid
 Methylenebiphenyldiisocyanate
 Naphthalene
 *Naphthas, solvent
 Nitrobenzene
 Nitrotoluene
 Nonylphenol
 p-Cresol
 Phthalic acid
 Phthalic anhydride
 *Tars -- pitches
 tert-butylphenol
 *Toluenediisocyanates (mixture)
 Trimellitic acid
 o-Cresol
 1-Tetralol, 1-tetralone mix
 2,4-Dinitrotoluene
 2,6-Dinitrotoluene

4) Halogenated organic chemicals

Allyl chloride
 Benzyl chloride
 Carbon tetrachloride
 *Chlorinated paraffins, 35-44% chlorine
 Chlorobenzene

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*Chlorobenzenes (mixed)
 Chlorodifluoroethane
 Chloroform
 *Chloromethanes
 2-Chloro-5-methylphenol (6-Chloro-m-cresol)
 *Chlorophenols
 Chloroprene
 Cyanogen chloride
 Cyanuric chloride
 Dichloropropane
 Epichlorohydrin
 Ethyl chloride
 *Fluorocarbons (Freons)
 Methyl chloride
 Methylene chloride
 Pentachlorophenol
 Phosgene
 Tetrachloroethylene
 Trichloroethylene
 Trichlorofluoromethane
 Vinylidene chloride
 1,1-Dichloroethane
 1,1,1-Trichloroethane
 2,4-Dichlorophenol

5) Other organic chemicals

Adiponitrile
 Carbon disulfide
 Dithiophosphates, sodium salt
 Fatty nitriles
 *Organo-tin compounds
 *Phosphate esters
 Tetraethyl lead
 Tetramethyl lead
 *Urethane prepolymers
 *Waxes, emulsions -- dispersions

b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.75--as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.76--as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated

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by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)
 Section 307.2407 Specialty Organic Chemicals

- a) Applicability. This Section applies to discharges of process wastewater resulting from the manufacture of any SIC 2865 or 2869 organic chemicals and organic chemical groups which are not defined as commodity or bulk organic chemicals in Section 307.2405 or 307.2406.

- b) Specialized definitions. None.

c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 414.85--as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

- 1) The Board incorporates by reference 40 CFR 414.86--as adopted at 52 Fed. Reg. 42569, November 5, 1987 (1991). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after March 21, 1983.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)
 Section 307.2490 Non-complexed Metal-bearing and Cyanide-bearing Wastestreams

The Board incorporates by reference 40 CFR 414, Appendix A (1989). This incorporation includes no later amendments or editions.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

SUBPART V: NONFERROUS METALS MANUFACTURING

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Section 307.3100 General Provisions

- a) Applicability. This Subpart applies to any facility producing primary metals from ore concentrates or recovering secondary metals from recycle wastes which introduces or may introduce pollutants into a POTW. This Subpart applies only to alloying or casting of hot metal directly from the nonferrous metals manufacturing process without cooling. Remelting followed by alloying or cooling is included in the aluminum forming, nonferrous metals forming or metal molding and casting categories.

- b) This subsection corresponds to 40 CFR 421.2 (1991), reserved by the U.S. Environmental Protection Agency, in order that the following subsections may maintain a linear correspondence with other federal provisions.

- c) Monitoring requirements. The Board incorporates by reference 40 CFR 421.3 (198691). This incorporation includes no later amendments or editions.

- d) Compliance dates. The Board incorporates by reference 40 CFR 421.4 (198691). This incorporation includes no later amendments or editions.

- e) Removal credits. The control authority may grant removal credits pursuant to 35 Ill. Adm. Code 310.300 et seq. for toxic metals limited in this Subpart when used as indicator pollutants.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

Section 307.3109 Metallurgical Acid Plants

- a) Applicability. This Section applies to discharges resulting from or associated with the manufacture of by-product sulfuric acid at primary smelters, primary copper smelters, primary zinc facilities, primary lead facilities or primary molybdenum facilities, including associated air pollution control or gas-conditioning systems for sulfur dioxide off-gases from pyrometallurgical operations.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.91 (198691). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 421.95 (198691). This incorporation includes no later amendments or editions.
- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.96 (198691). This incorporation includes no later amendments or editions.

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

Section 307.3115 Primary Beryllium

- a) Applicability. This Section applies to discharges resulting from the production of beryllium by primary beryllium facilities processing beryllium ore concentrates or beryllium hydroxide raw materials.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.151 (198691). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.156 (198691). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)

Section 307.3119 Primary Molybdenum and Rhenium

- a) Applicability. This Section applies to discharges resulting from the production of molybdenum and rhenium facilities.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.211 (198691). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.216 (198691). This incorporation includes no later amendments or editions.

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)
Section 307.3120 Secondary Molybdenum and Vanadium)

- a) Applicability. This Section applies to discharges resulting from the production of molybdenum or vanadium by secondary molybdenum or vanadium facilities.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.221 (198691). This incorporation includes no later amendments or editions.

- c) Existing sources: These sources shall comply with the general and specific pretreatment requirements of Subpart B.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.226 (198691). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)
Section 307.3124 Secondary Precious Metals)

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- a) Applicability. This Section applies to discharges resulting from the production of precious metals at secondary precious metals facilities.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.261 (198691). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 421.265 (198691). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in

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violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.266 (198691). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)
Section 307.3129 Secondary Tungsten and Cobalt)

- a) Applicability. This Section applies to discharges resulting from the production of tungsten or cobalt at secondary tungsten or cobalt facilities processing tungsten or tungsten carbide raw materials.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.311 (198791). This incorporation includes no later amendments or editions.

- c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 421.315 (198791). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.316 (198791). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 16 Ill. Reg. 7377, effective April 27, 1992)
)

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- 1) Heading of the Part: UNDERGROUND STORAGE TANKS

- 2) Code Citation: 35 Ill. Adm. Code 731

- 3) Section Numbers: Adopted Action:

731.110	Amended
731.111	Repealed
731.112, 731.113	Amended
731.114, 731.120, 731.121	Repealed
731.122	Amended
731.130, 731.131, 731.132, 731.133	Repealed
731.134, 731.140, 731.141, 731.142	Repealed
731.143, 731.144, 731.145, 731.150	Repealed
731.151, 731.152, 731.153	Repealed
731.161, 731.162	Amended
731.170, 731.171, 731.172, 731.173	Repealed
731.174, 731.190, 731.191, 731.192	Repealed
731.193, 731.194, 731.195, 731.196	Repealed
731.197, 731.198, 731.199, 731.200	Repealed
731.202, 731.203, 731.204, 731.205	Repealed
731.206, 731.207, 731.208, 731.209	Repealed
731.210, 731.211	Repealed
731.Appendix A	Amended
731.Appendix C	New Section

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 111½, pars. 1022.4(d) and 1027, as amended by P.A. 87-323.

- 5) Effective Date of Amendments: April 24, 1992

- 6) Does this rulemaking contain an automatic repeal date?: No.

- 7) Does this amendment contain incorporations by reference?

Yes. Following amendment, this Part will incorporate only federal regulations by reference. Section 22.4(d) of the Act provides that Section 5 of the Administrative Procedure Act shall not apply.

- 8) Date Filed in Agency's Principal Office: April 9, 1992

- 9) Notice(s) of Proposal Published in Illinois Register: February 14, 1992; 16 Ill. Reg. 2330

- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)?

Section 22.4(d) of the Environmental Protection Act provides

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that this matter is not subject to first notice or to second notice review by JCAR.

- 11) Difference(s) between proposal and final version:

There are no major differences between the proposed and final versions. The following editorial corrections have been made:

Section	Correction
731.110(b)(2)	Ill. Rev. Stat. 1987 updated to 1989 throughout.
731.110(b)(5)	"de minimus" corrected to "de minimis" throughout.
731.110(e)	Duplicated definitions of "heating oil" and "heating oil UST" deleted. "heating oil" corrected to "HEATING OIL". " - (" and ") - (" corrected to ") through (" throughout.
731.112	"ESDA" changed to "EMA", referencing the new Emergency Management Agency name. Several minor changes to the definition of "Gasoline Storage Act". "non-earthen" corrected to "non-earthen" in "pipe" and throughout. "soilds" corrected to "solids" in "septic tank". "(1991)" added to citation to 40 CFR 50. ", above" or ", below" added after citations to "Appendix" or "subsection", here and throughout. Reference to "ESDA" changed to "EMA". "and 809" changed to "through 815". "40 CFR Part 280" corrected to "40 CFR 280".
731.113	
731.122	
731.161	
731.162(a)(4)	
App. C	

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- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Section 22.4(d) of the Environmental Protection Act provides that this matter is not subject to first notice or to second notice review by JCAR.
- 13) Will this rule (amendments, repealer) replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rule(s):

The Board adopted an Opinion and Order in this matter, R91-14, on April 9, 1992. Copies of the Opinion are available from the address below.

Section 22.4(d) of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1022.4(d)) requires the Board to adopt regulations which are "identical in substance" to regulations adopted by USEPA to implement the corrective action portions of the underground storage tank (UST) portions of the federal Resource Conservation and Recovery Act. The USEPA regulations are found at 40 CFR 280. The equivalent Board regulations are in 35 Ill. Adm. Code 731.

The term "identical in substance" is defined in Section 7.2 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111½, par. 1007.2). Section 22.4(d) of the Act provides that Section 5 of the Administrative Procedure Act does not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's hazardous waste regulations to correspond with USEPA amendments appearing in the Federal Register during the period January 1 through June 30, 1991. However, P.A. 87-323 requires the Board to repeal most of its UST rules, including the Sections which would have been affected by the few USEPA amendments. This Update is therefore driven entirely by the changes in statutory authority in P.A. 87-323.

The first area of change is the reduction in the scope of the Board rules so that they will govern only corrective action activities (and notification). This involves repeal of all of the existing Board rules in this Part, except for

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Subpart F, which will be retained, along with related general provisions in Subpart A, and Appendices, and the notification requirement in Section 731.122.

The second area of change is the increase in the scope of the Board rules to include certain heating oil USTs, as mandated by Section 22.4(d) of the Act. This is accomplished by the addition of Section 731.110(e) to the applicability statement, and revision of some of the definitions in Section 731.112.

The applicability statement uses the definitions of "heating oil" and "heating oil underground storage tank" from P.A. 87-323. The rules are applicable to owners and operators of an "underground storage tank serving other than farms or residential units that is used exclusively to store heating oil for consumptive use on the premises where stored", regardless of the size of the tank. Consistent with the mandate of Section 22.4(d) of the Act, the 110 gallon exclusion of Section 731.110(b)(4) would not apply.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Morton F. Dorothy
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801

217/ 333-5575

The full text of the adopted amendments begins on the following page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL
AND UNDERGROUND STORAGE TANK PROGRAMS

PART 731

UNDERGROUND STORAGE TANKS

SUBPART A: PROGRAM SCOPE AND INTERIM PROHIBITION

Section	
731.101	Definitions and exemptions (Repealed)
731.102	Interim prohibitions (Repealed)
731.103	Notification Requirements (Repealed)
731.110	Applicability
731.111	Interim Prohibition for Deferred Systems (Repealed)
731.112	Definitions
731.113	Incorporations by Reference
731.114	Implementing Agency (Repealed)

SUBPART B: UST SYSTEMS: DESIGN, CONSTRUCTION,
INSTALLATION AND NOTIFICATION

Section	
731.120	Performance Standards for New Systems (Repealed)
731.121	Upgrading of Existing Systems (Repealed)
731.122	Notification Requirements

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section	
731.130	Spill and Overfill Control (Repealed)
731.131	Operation and Maintenance of Corrosion Protection
731.132	Compatibility (Repealed)
731.133	Repairs Allowed (Repealed)
731.134	Reporting and Recordkeeping (Repealed)

SUBPART D: RELEASE DETECTION

Section	
731.140	General Requirements for all Systems (Repealed)
731.141	Petroleum Systems (Repealed)
731.142	Hazardous Substance Systems (Repealed)
731.143	Tanks (Repealed)
731.144	Piping (Repealed)
731.145	Recordkeeping (Repealed)

SUBPART E: RELEASE REPORTING, INVESTIGATION AND CONFIRMATION

Section	
731.150	Reporting of Suspected Releases (Repealed)
731.151	Investigation due to Off-site Impacts (Repealed)
731.152	Release Investigation and Confirmation (Repealed)

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731.153	Reporting and Cleanup of Spills and Overfills (Repealed)
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SUBPART F: RELEASE RESPONSE AND CORRECTIVE ACTION

Section	
731.160	General
731.161	Initial Response
731.162	Initial Abatement Measures and Site Check
731.163	Initial Site Characterization
731.164	Free Product Removal
731.165	Investigations for Soil and Groundwater Cleanup
731.166	Corrective Action Plan
731.167	Public Participation

SUBPART G: OUT-OF-SERVICE SYSTEMS AND CLOSURE

Section	
731.170	Temporary Closure (Repealed)
731.171	Permanent Closure and Changes-in-Service (Repealed)
731.172	Assessing Site at Closure or Change-in-Service (Repealed)
731.173	Previously Closed Systems (Repealed)
731.174	Closure Records (Repealed)

SUBPART H: FINANCIAL RESPONSIBILITY

Section	
731.190	Applicability (Repealed)
731.191	Compliance Dates (Repealed)
731.192	Definitions (Repealed)
731.193	Amount and Scope of Required Financial Responsibility (Repealed)
731.194	Allowable Mechanisms and Combinations (Repealed)
731.195	Financial Test of Self-insurance (Repealed)
731.196	Guarantee (Repealed)
731.197	Insurance or Risk Retention Group Coverage (Repealed)
731.198	Surety Bond (Repealed)
731.199	Letter of Credit (Repealed)
731.200	UST State Fund (Repealed)
731.202	Trust Fund (Repealed)
731.203	Standby Trust Fund (Repealed)
731.204	Substitution of Mechanisms (Repealed)
731.205	Cancellation or Nonrenewal by Provider (Repealed)
731.206	Reporting (Repealed)
731.207	Recordkeeping (Repealed)
731.208	Drawing on Financial Assurance (Repealed)
731.209	Release from Financial Assurance Requirement (Repealed)
731.210	Bankruptcy or other Incapacity (Repealed)
731.211	Replenishment (Repealed)

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731.900 Incorporation by reference (Repealed)
731.901 Compliance Date (Repealed)

Appendix A Notification Form

Appendix C Statement for Shipping Tickets and Invoices

AUTHORITY: Implementing and authorized by Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1022.4, 1022.13 and 1027 (Sections 22.4(d), 22.13(d) and 27 of the Environmental Protection Act, as amended by P.A. 87-323).

SOURCE: Adopted in R86-1 at 10 Ill. Reg. 14175, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6220, effective March 24, 1987; amended in R88-27 at 13 Ill. Reg. 9519, effective June 12, 1989; amended in R89-4 at 13 Ill. Reg. 15010, effective September 12, 1989; amended in R89-10 at 14 Ill. Reg. 5797, effective April 10, 1990; amended in R89-19 at 14 Ill. Reg. 9454, effective June 4, 1990; amended in R90-3 at 14 Ill. Reg. 11964, effective July 10, 1990; amended in R90-12 at 15 Ill. Reg. 6527, effective April 22, 1991; amended in R91-2 at 15 Ill. Reg. 13800, effective September 10, 1991; amended in R91-14 at 16 Ill. Reg. 7407, effective April 24, 1992.

NOTE: Capitalization denotes statutory language.

**SUBPART A: PROGRAM SCOPE AND
INTERIM PROHIBITION**

Section 731.110 Applicability

- a) This Part applies to owners and operators of an Underground Storage Tank (UST) system as defined in Section 731.112 except as otherwise provided in subsections (b), (c) ~~or (d)~~. ~~Any UST system listed in subsection (c) must meet the requirements of Section 731.111 or (c).~~

- b) The following UST systems are excluded from the requirements of this Part:

- 1) Any UST system holding hazardous waste or a mixture of such hazardous waste and other regulated substances.
- 2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 12(f) of the Environmental Protection Act (Ill. Rev. Stat. ~~1987~~1989, ch. 111 1/2, par.

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1012(f)).

- 3) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.
 - 4) Any UST system whose capacity is 110 gallons or less.
 - 5) Any UST system that contains a de ~~minus~~-minimis concentration of regulated substances.
 - 6) Any emergency spill or overflow containment UST system that is expeditiously emptied after used.
- c) ~~Deferrals. Subparts B, C, D, E and G of Section 731.122 does not apply to any of the following types of UST systems:~~
- 1) Wastewater treatment tank systems;
 - 2) Any UST systems containing radioactive materials that are regulated by the Nuclear Regulatory Commission under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);
 - 3) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR 50, Appendix A, incorporated by reference in Section 731.113;
 - 4) Airport hydrant fuel distribution systems; and
 - 5) UST systems with field-constructed tanks.
- d) ~~Deferrals. Subpart D does not apply to any UST system that stores fuel solely for use by emergency power generators.~~
- e) Heating oil USTs.
- 1) Definitions. The following definitions apply to this subsection only:

"Beneath the surface of the ground" is as defined in Section 731.112.

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BOARD NOTE: This subsection implements Section 22.4(d)(5) of the Act, which requires that this Part be applicable to "heating oil USTs", as that term is defined in Section 22.18(e) of the Act. However, that and related terms are used in a manner which is inconsistent with the definitions and usage in this Part. The definitions used in this applicability statement are therefore limited to this subsection.

(Source: Amended at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.111 Interim Prohibition for Deferred Systems (Repealed)

~~a) No person shall install an UST system listed in Section 731.110(e) for the purpose of storing regulated substances unless the UST system (whether of single or double wall construction):~~

~~1) Will prevent releases due to corrosion or structural failure for the operational life of the UST system;~~

~~2) Is cathodically protected against corrosion, constructed of noncorrodible material, steel clad with a noncorrodible material, or designed in a manner to prevent the release or threatened release of any stored substance; and~~

~~3) Is constructed or lined with material that is compatible with the stored substance.~~

~~b) Notwithstanding subsection (a), an UST system without corrosion protection may be installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life. Owners and operators shall maintain records that demonstrate compliance with the requirements of this subsection for the remaining life of the tank.~~

BOARD NOTE: NACE RP0285, incorporated by reference in Section 731.113, may be used as guidance for compliance with this subsection.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

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"Consumptive use" with respect to heating oil means consumed on the premises.

"HEATING OIL" MEANS PETROLEUM THAT IS NO. 1, NO. 2, NO. 4 LIGHT, NO. 4 HEAVY, NO. 5 LIGHT, NO. 5 HEAVY, OR NO. 6 TECHNICAL GRADES OF FUEL OIL; OTHER RESIDUAL FUEL OILS INCLUDING NAVY SPECIAL FUEL OIL AND BUNKER C. (Section 22.18(e)(1)(H) of the Act)

"HEATING OIL UNDERGROUND STORAGE TANK" OR "HEATING OIL UST" MEANS AN UNDERGROUND STORAGE TANK SERVING OTHER THAN FARMS OR RESIDENTIAL UNITS THAT IS USED EXCLUSIVELY TO STORE HEATING OIL FOR CONSUMPTIVE USE ON THE PREMISES WHERE STORED. (Section 22.18(e)(1)(I) of the Act)

"On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used.

"Pipe" or "piping" is as defined in Section 731.112.

"Regulated substance" is as defined in Section 731.112.

"Tank" is as defined in Section 731.112.

"Underground storage tank" ("UST") is means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface of the ground.

Subsections (a) through (c) notwithstanding, THIS PART APPLIES TO OWNERS AND OPERATORS OF ANY HEATING OIL UST. (Section 22.4(d)(5) of the Act)

The owner or operator of a heating oil UST shall comply with the same requirements as the owner or operator of a "petroleum UST", as defined in Section 731.112, any other provisions of this Part notwithstanding.

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Section 731.112

Definitions

"Aboveground release" means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of an UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 19971989, ch. 111 1/2, par. 1001 et seq.).

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any devices including, but not limited to, such devices as piping, fittings, flanges, valves and pumps used to distribute, meter or control the flow of regulated substances to and from an UST.

"Belowground release" means any release to the subsurface of the land and to groundwater. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

"Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

"Board" means the Illinois Pollution Control Board.

"Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure to soil potential and

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~~component electrical isolation measurements of buried metal piping and tank systems.~~

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601 et seq.)

~~"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered in the UST.~~

"Connected piping" means all underground piping including valves, elbows, joints, flanges and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems must be allocated equally between them.

~~"Consumptive use" with respect to heating oil means consumed on the premises.~~

BOARD NOTE: For "consumptive use" see Section 731.110(e).

~~"Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.~~

"Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

"Electrical equipment" means underground equipment that

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contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

"EPDA" means the Illinois Emergency Services and Disaster Agency. "EMA" means the Illinois Emergency Management Agency.

"Excavation zone" means the volume containing the tank system and backfill material bounded by the ground surface, wall and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Existing tank system" means a tank system used to contain an accumulation of regulated substances or for which installation has commenced on or before December 22, 1988. Installation is considered to have commenced if:

The owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank system;

and, if either:

A continuous on-site physical construction or installation program has begun; or,

The owner or operator has entered into contractual obligations, which cannot be cancelled or modified without substantial loss, for physical construction at the site or installation of the tank system to be completed within a reasonable time.

"Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations.

"Fire Marshal" means the Office of the State Fire Marshal.

"Flow-through process tank" is a tank that forms an integral part of a production process through which

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there is a steady, variable, recurring or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

"Free product" refers to a regulated substance that is present as a nonaqueous liquid phase (e.g., liquid not dissolved in water.)

"Gasoline Storage Act" means "An Act To Regulate The Storage, Transportation, Sale And Use Of Gasoline And Volatile Oils", as amended (Ill. Rev. Stat. 19872, ch. 127 1/2, par. 151 et seq.), as amended by P.A. 87-323.

"Gathering lines" means any pipeline, equipment, facility or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Hazardous substance" means any substance listed in 40 CFR 302.4, incorporated by reference in Section 731.113 (but not including any substance regulated as a hazardous waste under 35 Ill. Adm. Code 721).

BOARD NOTE: This definition is derived from the definition of "hazardous substance UST system" in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, and "hazardous substance" in Section 101(14) of CERCLA. The United States Environmental Protection Agency (USEPA) regulations which implement the statutes cited in CERCLA have been inserted in place of the authorizing statutes.

"Hazardous substance UST system" means an underground storage tank system that contains a "hazardous substance", or any mixture of "hazardous substances" and "petroleum" which is not a "petroleum UST system".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting terms defined elsewhere in this Section.

"Heating oil" means petroleum that is No. 1, No. 2, No.

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4--light, No. 4--heavy, No. 5--light, No. 5--heavy or No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); or other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers or furnaces.

BOARD NOTE: For the applicability of these rules to heating oil USTs, see Section 731.110(e).

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevator and other similar devices.

~~"Implementing agency". See Section 731.114.~~

"Liquid trap" means sumps, well cellars and other traps used in association with oil and gas production, gathering and extraction operations (including gas production plants), for the purpose of collecting oil, water and other liquid. These liquid traps may temporarily collect liquids for subsequent disposition for reinjection into a production or pipeline stream, or may collect and separate liquids from gas stream.

~~"Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing product.~~

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel or any grade of gasohol, and is typically used in the operation of a motor engine.

"New tank system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation has commenced after December 22, 1988. (See also "Existing Tank System.")

"Noncommercial purposes" with respect to motor fuel means not for resale.

~~"On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used.~~

BOARD NOTE: For the definition of "on the premises where stored", see Section 731.110(e).

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~~"Operational life" refers to the period beginning when installation of the tank system has commenced until the time the tank system is properly closed under Subpart C.~~

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"Overfill release" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means:

In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use or dispensing of regulated substances; and

In the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation, state, unit of local government, commission, political subdivision of a state or any interstate body. Person, also includes a consortium, a joint venture, a commercial entity and the United States Government.

"Petroleum" means crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). The term "petroleum" includes, but is not limited to, petroleum and petroleum-based substances comprising a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

BOARD NOTE: This definition is derived from the definitions of "petroleum UST system" and "regulated substance" in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988.

"Petroleum UST system" means an underground storage

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tank system that contains petroleum or a mixture of "petroleum" with de ~~minimis~~ quantities of other "regulated substances".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting terms defined elsewhere in this Section.

"Pipe" or "piping" means a hollow cylinder or tabular conduit that is constructed of non-~~earthen~~ ~~earthen~~ materials.

"Pipeline facilities (including gathering lines)" are new and existing pipe rights-of-way and any associated equipment, facilities or buildings.

"Regulated substance" means any "hazardous substance" or "petroleum".

BOARD NOTE: This definition is derived from the corresponding definition in 40 CFR 280.12, as adopted at 53 Fed. Reg. 37194, September 23, 1988, inserting terms defined elsewhere in this Section.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing from an UST into groundwater, surface water or subsurface soils.

~~"Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.~~

~~"Repair" means to restore a tank or UST system component that has caused a release of product from the UST system.~~

"Residential tank" is a tank located on property used primarily for dwelling purposes.

"Septic tank" is a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from

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such receptacle is distributed for disposal through the soil and settled ~~solids~~ and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Storm water or wastewater collection system" means piping, pumps, conduits and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial or industrial wastewater, or from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

"Surface impoundment" is a natural topographic depression, man-made excavation, or diked area formed primarily of ~~earthen~~ ~~earthen~~ materials (although it may be lined with man-made materials) that is not an injection well.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-~~earthen~~ ~~earthen~~ materials (e.g., concrete, steel, plastic) that provide structural support.

"Underground area" means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

"Underground release" means any below-ground release.

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) which is used to contain an accumulation of regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is ten per centum or more beneath the surface of the ground. Such term does not include any:

Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes.

~~Tank used for storing heating oil for consumptive use on the premises where stored.~~

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BOARD NOTE: For the applicability of these rules to heating oil tanks, see Section 731.110(e).

Septic tank.

Pipeline facility (including gathering lines) regulated under:

The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.A. 1671 et seq. (1987 and 1987 Supp.)), or

The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C.A. 2001 et seq. (1987)), or

The Illinois Gas Pipeline Safety Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 551 et seq.).

Surface impoundment, pit, pond or lagoon.

Storm-water or wastewater collection system.

Flow-through process tank.

Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations. Or,

Storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor.

The term "underground storage tank" does not include any pipes connected any tank which is described in the above subparagraphs.

"Upgrade" means the addition or retrofit of some systems such as cathodic protection, lining or spill and overfill controls to improve the ability of an underground storage tank system to prevent the release of product.

"USEPA" means United States Environmental Protection Agency.

"UST system" or "Tank system" means an underground

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storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

"Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical or biological methods.

(Source: Amended at 16 Ill. Reg. 7407, effective April 24, 1992).

Section 731.113 Incorporations by Reference

a) ~~The following publications are incorporated by reference:~~

~~ACT. Available from the Association for Composite Tanks, 108 N. State St., Suite 720, Chicago, IL 60602, (800) 368-2105.~~

~~ACT 100/89, "Specification for the Fabrication of FRP-Clad/Composite Underground Storage Tanks", revised March 16, 1989~~

~~ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, (212) 354-3300.~~

~~See ACMS.~~

~~API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, (202) 682-8000.~~

~~API Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", Second Edition, December, 1987~~

~~API Recommended Practice 1615, "Installation of Underground Petroleum Storage Systems", Fourth Edition, November, 1987~~

~~API Recommended Practice 1621, "Bulk Liquid Stock Control at Retail Outlets", Fourth Edition, December, 1987~~

~~API Recommended Practice 1626, "Storage and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service~~

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Stations", First Edition, April, 1985

API Recommended Practice 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations", First Edition, August, 1986

API Recommended Practice 1631, "Interior Lining of Underground Storage Tanks", Second Edition, December, 1987

API Recommended Practice 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", Second Edition, December, 1987

API Publication 2015, "Cleaning Petroleum Storage Tanks", Third Edition, September, 1985

API Publication 2200, "Repairing Crude Oil Liquefied Petroleum Gas, and Product Pipelines", Second Edition, April, 1983

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, (212) 705-7722+

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3—1987, as supplemented by B31.3a—1988 and B31.3b—1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4—1986, as supplemented by B31.4a—1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, (215) 299-5400+

ASTM D4021-86, "Standard Specification for Glass-Fiber Reinforced Polyester Underground Petroleum Storage Tanks", approved July 25, 1986.

NACE. Available from the National Association of

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Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, (713) 492-0535+

NACE Standard Recommended Practice RP0169-83, "Control of External Corrosion on Underground or Submerged Metallic Piping Systems", Revised January, 1983

NACE Standard Recommended Practice RP0205-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", Approved March, 1985

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, (617) 770-3000 or (800) 344-3555+

NFPA 30, "Flammable and Combustible Liquids Code", issued July 17, 1987. Also available from ANSI.

NFPA 305, "Tank Vehicles for Flammable and Combustible Liquids", issued December 7, 1984. Also available from ANSI.

NIOSH. Available from the National Institute for Occupational Safety and Health, Publications Office, 4676 Columbia Parkway, Cincinnati, OH 45226—(513) 533-8287+

NIOSH Publication No. 80-106, "Criteria for a Recommended Standard...Working in a Confined Space", December, 1979

PRI, Petroleum Equipment Institute, Box 23807, Tulsa, OK 74101-918/ 743-9941.

PEI/RP100-87, "Recommended Practices for Installation of Underground Liquid Storage Systems", 1987 Edition

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, (312) 498-1980+

STI-P3, "Specification and Manual for External Corrosion Protection of Underground Steel Storage Tanks", effective May 1, 1987.

STI, "Standard for Dual Wall Underground

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Steel Storage Tanks" (1986)-

UL Underwriters Laboratories, Inc., Publications
Steek, 333 Pingstien Road, Northbrook, IL 60062-
2096 312/ 272-8800, extension 2612 or 2622+

UL 58 1985, "Standard for Steel

Underground Tanks for Flammable and
Combustible Liquids", Eighth Edition, April
15, 1986. Also available from ANSI.

UL 567 1983, "Standard for Pipe Connectors
for Flammable and Combustible Liquids and LP-
Gas", Fifth Edition, March 12, 1984, as
revised September 30, 1985. Also available
from ANSI.

UL 1316, "Standard for Glass Fiber Reinforced
Plastic Underground Storage Tanks for
Petroleum Products", First Edition, July 1,
1983, as revised April 29, 1986 and March 3,
1987

UL Canada, Underwriters Laboratories of Canada,
7-Crease Rd., Scarborough, Ontario M1R 3A9
CANADA, 416/ 757-3611.

UL Canada Standard CAN4-S603-M85, "Standard
for Steel Underground Tanks for Flammable and
Combustible Liquids", First Edition, June,
1985.

UL Canada Standard CAN4-S603-1-M85, "Standard
for Galvanic Corrosion Protection Systems for
Steel Underground Tanks for Flammable and
Combustible Liquids", First Edition, June,
1985.

UL Canada Standard CAN4-S615-M83, "Standard
for Reinforced Plastic Underground Tanks for
Petroleum Products", First Edition, February,
1983.

UL Canada Standard CAN4-S631-M84, "Standard
for Isolating Bushings for Steel Underground
Tanks Protected with Coatings and Galvanic
Systems", First Edition, May, 1984.

UL Canada Standard CAN4-S633-M84, "Flexible

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~~Underground Hose Connectors for Flammable and
Combustible Liquids", First Edition, June,
1984.~~

~~UL Canada Subject C1070-M1984, "Guide for
Class Fibre Reinforced Plastic Pipe and
Fittings for Flammable Liquids", First
Edition, June, 1984.~~

~~b) a) CFR (Code of Federal Regulations). Available from the
Superintendent of Documents, U.S. Government Printing
Office, Washington, D.C. 20401, (202) 783-3238:~~

~~10 CFR 50, Appendix A (1990) (1991)~~

~~40 CFR 280.3 (1987) (repealed September 23, 1988)~~

~~40 CFR 302.4, 302.5 and 302.6 (1990) (1991)~~

~~40 CFR 355.40 (1990)~~

~~e) b) This Section incorporates no later editions or
amendments.~~

~~(Source: Amended at 16 Ill. Reg. 7407, effective April 24, 1992
)~~

Section 731.114 Implementing Agency (Repealed)

~~a) The implementing agency is the Fire Marshal or the
Agency, as specified in this Part.~~

~~b) Generally the Agency is the implementing agency for
corrective action beyond immediate response. The Fire
Marshal is the implementing agency for all other
aspects of the program.~~

~~(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992
)~~

SUBPART B: UST SYSTEMS: DESIGN,
CONSTRUCTION, INSTALLATION AND NOTIFICATIONSection 731.120 Performance Standards for New Systems
(Repealed)

~~In order to prevent releases due to structural failure, corrosion
or spills and overfills for as long as the UST system is used to
store regulated substances, owners and operators of new UST~~

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systems shall meet the following requirements.

- a) Tanks. Each tank must be properly designed and constructed, and any portion underground that routinely contains product must be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below.

- 1) The tank is constructed of fiberglass-reinforced plastic, or

BOARD NOTE: The following industry codes, incorporated by reference in Section 731.113, may be used to comply with this subsection: UL 1316, UL Canada Standard CAN4-S615, or ASTM D4021.

- 2) The tank is constructed of steel and cathodically protected in the following manner:

- A) The tank is coated with a suitable dielectric material;
- B) Field installed cathodic protection systems are designed by a corrosion expert;
- C) Impressed current systems are designed to allow determination of current operating status as required in Section 731.131(e);
- D) Cathodic protection systems are operated and maintained in accordance with Section 731.131, or

BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.113, may be used to comply with this subsection: STI-P3, UL 1746, UL Canada Standard CAN4-S603, CAN4-S603-1 and CAN4-S631, NACE RP0205 or UL 58.

- 3) The tank is constructed of a steel fiberglass-reinforced plastic composite, or

BOARD NOTE: The following industry codes, incorporated by reference in Section 731.113, may be used to comply with this subsection: UL 1746 or ASTM 100.

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- 4) The tank is constructed of metal without additional corrosion protection measures provided that:

- A) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life; and

- B) Owners and operators maintain records that demonstrate compliance with the requirements of subsection (a)(4)(A) for the remaining life of the tank.

- b) Piping. The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

- 1) The piping is constructed of fiberglass-reinforcing plastic, or

BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.113, may be used to comply with this subsection: UL 567, UL Canada Subject C1076, UL Canada Standard CAN4-S633.

- 2) The piping is constructed of steel and cathodically protected in the following manner:

- A) The piping is coated with a suitable dielectric material;

- B) Field installed cathodic protection systems are designed by a corrosion expert;

- C) Impressed current systems are designed to allow determination of current operating status as required in Section 731.131(e);

- D) Cathodic protection systems are operated and maintained in accordance with Section 731.131, or

BOARD NOTE: The following codes and

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standards, incorporated by reference in Section 731.113, may be used to comply with this subsection. NFPA 30, API Recommended Practice 1615, API Recommended Practice 1632, NACE RP0169.

3) The piping is constructed of metal without additional corrosion protection measures provided that--

A) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and

B) Owners and operators maintain records that demonstrate compliance with the requirements of subsection (b) (3) (A) for the remaining life of the piping; or

BOARD NOTE: NFPA 30 and NACE RP0169, incorporated by reference in Section 731.113, may be used to comply with this subsection.

e) Spill and overfill prevention equipment--

i) Except as provided in subsection (c) (2), to prevent spilling and overfilling associated with product transfer to the UST system, owners and operators shall use the following spill and overfill prevention equipment--

A) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin) and--

B) Overfill prevention equipment that will--

i) Automatically shut off flow into the tank when the tank is no more than 95 percent full; or

ii) Alert the transfer operator when the tank is no more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm.

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2) Owners and operators are not required to use the spill and overfill prevention equipment specified in subsection (c) (1) if: The UST system is filled by transfers of no more than 25 gallons at one time.

d) Installation. All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

BOARD NOTE: Tank and piping system installation practices and procedures described in the following codes, incorporated by reference in Section 731.113, may be used to comply with the requirements this subsection. API Recommended Practice 1615, API RP1007 or ANSI/ACME B31.3 and B31.4.

e) Certification of installation. All owners and operators shall ensure that one or more of the following methods of certification, testing, or inspection is used to demonstrate compliance with subsection (d) by providing a certification of compliance on the UST notification form in accordance with Section 731.122.

1) The installer has been certified by the tank and piping manufacturer; or

2) The installer has been certified or licensed by the Fire Marshal; or

3) The installation has been inspected and certified by a registered professional engineer with education and experience in UST system installation; or

4) The installation has been inspected and approved by the Fire Marshal; or

5) All work listed in the manufacturer's installation checklists has been completed.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.121 Upgrading of Existing Systems (Repealed)

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- a) Alternatives allowed. Not later than December 22, 1999, all existing UST systems must comply with one of the following requirements:
- 1) New UST system performance standards under Section 731.120*
 - 2) The upgrading requirements in subsections (b) through (d), or
 - 3) Closure requirements under Subpart G, including applicable requirements for corrective action under Subpart F.
- b) Tank upgrading requirements. Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:
- 1) Interior lining. A tank may be upgraded by interior lining if:
 - A) The lining is installed in accordance with the requirements of Section 731.123, and
 - B) Within 10 years after lining, and every 5 years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.
 - 2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of Section 731.120(a)(2)(B), (C) and (D) and the integrity of the tank is ensured using one of the following methods:
 - A) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system, or
 - B) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with Section 731.143(d) through

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(h), or

- c) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two (2) tightness tests that meet the requirements of Section 731.143(e). The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between three (3) and six (6) months following the first operation of the cathodic protection system.
- 3) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:
 - A) The lining is installed in accordance with the requirements of Section 731.123, and
 - B) The cathodic protection system meets the requirements of Section 731.120(a)(2)(B), (C) and (D).
- BOARD NOTE: The following codes and standards, incorporated by reference in Section 731.123, may be used to comply with this Section: API Recommended Practice 1631, NACE RP0205 and, API Recommended Practice 1632.
- e) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet the requirements of Section 731.120(b)(2)(B), (C) and (D).
- BOARD NOTE: The codes and standards listed in the note following Section 731.120(b)(2) may be used to comply with this requirement.
- d) Spill and overfill prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overfill prevention equipment requirements specified in Section 731.120(e).

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(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.122 Notification Requirements

- a) Any owner who brings an underground storage tank system into use after May 8, 1986, shall within 30 days of bringing such tank into use, submit, in the form prescribed in Appendix A, below, a notice of existence of such tank system to the Fire Marshal.

BOARD NOTE: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the Fire Marshal in accordance with RCRA and 40 CFR 280.3 (1987), unless notice was given pursuant to 40 CFR 302.6, incorporated by reference in Section 731.113. Section 4(b)(1) of the Gasoline Act (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 156(b)(1)) required notification by December 31, 1987, for tanks which held regulated substances after January 1, 1974. Owners and operators who have not complied with the notification requirements may use portions I through VI of the notification form contained in Appendix A.

- c) Owners required to submit notices under subsection (a) above, shall provide notices to the Fire Marshal for each tank they own. Owners may provide notice for several tanks using one notification form, but owners who own tanks located at more than one place of operation shall file a separate notification form for each separate place of operation.

- d) Notices required to be submitted under subsection (a) above, must provide all of the information in Sections I through VI of the form for each tank for which notice must be given. Notices for tanks installed after December 22, 1988, must also provide all of the information in Section VII of the prescribed form for each tank for which notice must be given.

- e) All owners and operators of new UST systems shall certify in the notification form compliance with the following requirements:

- 1) Installation of tanks and piping under Section 731.120(e);

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- 2) Cathodic protection of steel tanks and piping under Section 731.120(a) and (b);
- 3) Financial responsibility under Subpart H; and
- 4) Release detection under Sections 731.141 and 731.142.

- f) All owners and operators of new UST systems shall ensure that the installer certifies in the notification form that the methods used to install the tanks and piping complies with the regulatory requirements in Section 731.120(e).

- g) Beginning October 24, 1988, any person who sells a tank intended to be used as an underground storage tank shall notify the purchaser of such tank of the owner's notification obligations under subsection (a) above. The form provided in Appendix C may be used to comply with this requirement.

(Source: Amended at 16 Ill. Reg. 7407, effective April 24, 1992)

SUBPART C: GENERAL OPERATING REQUIREMENTS

Section 731.130 Spill and Overfill Control (Repealed)

- a) Owners and operators shall ensure that releases due to spilling or overfilling do not occur. The owner and operator shall ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.

BOARD NOTE: The transfer procedures described in NPPA 305, incorporated by reference in Section 731.113, may be used to comply with this subsection. Further guidance on spill and overfill prevention appears in API Recommended Practice 1621 and NPPA Standard 30.

- b) The owner and operator shall report, investigate and clean up any spills and overfills in accordance with Section 731.153.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

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Section 731.131 Operation and Maintenance of Corrosion Protection (Repealed)

All owners and operators of steel UST systems with corrosion protection shall comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances:

- a) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.
- b) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

- 1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter, and
- 2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this Section must be in accordance with a code of practice developed by a nationally recognized association.

BOARD NOTE: NACE RP0295, incorporated by reference in Section 731.113, may be used to comply with subsection (b) (2).

- e) UST systems with impressed current cathodic protection systems must also be inspected every 60 days to ensure the equipment is running properly.
- d) For UST systems using cathodic protection, records of the operation of the cathodic protection must be maintained (in accordance with Section 731.134) to demonstrate compliance with the performance standards in this Section. These records must provide the following:

- 1) The results of the last three inspections required in subsection (e), and
- 2) The results of testing from the last two inspections required in subsection (b).

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(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.132 Compatibility (Repealed)

Owners and operators shall use an UST system made of or lined with materials that are compatible with the substance stored in the UST system.

BOARD NOTE: Owners and operators storing alcohol blends may use the following codes, incorporated by reference in Section 731.113, to comply with the requirements of this Section: API Recommended Practice 1626 and 1627.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.133 Repairs Allowed (Repealed)

Owners and operators of UST systems shall ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

- a) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

BOARD NOTE: The following codes and standards incorporated by reference in Section 731.113, may be used to comply with this subsection: NPPA 30, API Publication 2200, and API Recommended Practice 1631.

- b) Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.
- e) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.
- d) Repaired tanks and piping must be tightness tested in accordance with Section 731.143(e) and Section 731.144(b) within 30 days following the date of the

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completion of the repair except as follows:

- 1) The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory, or
- 2) The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in Section 731.143(d) through (h).
- e) Within 6 months following the repair of any cathodically protected UST system, the cathodic protection system must be tested in accordance with Section 731.131(b) and (c) to ensure that it is operating properly.
- f) UST system owners and operators shall maintain records of each repair for the remaining operating life of the UST system that demonstrate compliance with the requirements of this Section.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.134 Reporting and Recordkeeping (Repealed)

Pursuant to Section 4(d) of the Act and Section 4(d) of the Gasoline Act (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154(d)), owners and operators of UST systems shall cooperate fully with inspections, monitoring and testing conducted by the Fire Marshal or Agency, as well as requests for document submission, testing and monitoring by the owner or operator.

- a) Reporting. Owners and operators shall submit the following information to the Fire Marshal or Agency:
 - 1) Notification for all UST systems (Section 731.122) which includes certification of installation for new systems (Section 731.120(e))
 - 2) Reports of all releases including suspected releases (Section 731.150), spills and overfills (Section 731.153), and confirmed releases (Section 731.161)
 - 3) Corrective actions planned or taken including

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initial abatement measures (Section 731.162), initial site characterization (Section 731.163), free product removal (Section 731.164), investigation of soil and groundwater cleanup (Section 731.165), and corrective action plan (Section 731.166), and

- 4) A notification before permanent closure or change in service (Section 731.171).
- b) Recordkeeping. Owners and operators shall maintain the following information:
 - 1) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used (Section 731.120(a)(4) and (b)(3)).
 - 2) Documentation of operation of corrosion protection equipment (Section 731.131).
 - 3) Documentation of UST system repairs (Section 731.133(f)).
 - 4) Recent compliance with release detection requirements (Section 731.145) and
 - 5) Results of the site investigation conducted at permanent closure (Section 731.174).
 - e) Availability and Maintenance of Records. Owners and operators shall keep the records required either:
 - 1) At the UST site and immediately available for inspection by the Fire Marshal or Agency; or
 - 2) At a readily available alternative site and be provided for inspection to the Fire Marshal or Agency upon request.

BOARD NOTE: In the case of permanent closure records required under Section 731.174, owners and operators are also provided with the additional alternative of mailing closure records to the Fire Marshal if they cannot be kept at the site or an alternative site as indicated above.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

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SUBPART D: RELEASE DETECTION

Section 731.140 General Requirements for all Systems
(Repealed)

- a) ~~Owners and operators of new and existing UGT systems shall provide a method, or combination of methods, of release detection that:~~
- 1) ~~Can detect a release from any portion of the tank and the connected underground piping that routinely contains product;~~
 - 2) ~~Is installed, calibrated, operated and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and~~
 - 3) ~~Meets the performance requirements in Sections 731.143 or 731.144, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used after December 22, 1990, except for methods permanently installed prior to that date, must be capable of detecting the leak rate or quantity specified for that method in Section 731.143(b), (c) and (d) or Section 731.144(a) and (b), with a probability of detection of 0.95 and a probability of false alarm of 0.05.~~
- b) ~~When a release detection method operated in accordance with the performance standards in Section 731.143 and 731.144 indicates a release may have occurred, owners and operators shall notify ECDA in accordance with Subpart E.~~
- e) ~~Owners and operators of UGT systems shall comply with the release detection requirements of this Subpart in accordance with the following schedule:~~
- 1) ~~For all pressurized piping as defined in Section 731.141(b)(1), by December 22, 1990.~~
 - 2) ~~For tanks and suction piping in accordance with Section 731.141(a), 731.141(b)(2) and 731.142 for tanks.~~

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- a) ~~With an unknown installation date, by December 22, 1989.~~
- b) ~~Installed before 1965, by December 22, 1989.~~
- c) ~~Installed in 1965 through 1969, by December 22, 1990.~~
- d) ~~Installed in 1970 through 1974, by December 22, 1991.~~
- e) ~~Installed in 1975 through 1979, by December 22, 1992.~~
- f) ~~Installed in 1980 through December 22, 1988, by December 22, 1993.~~
- g) ~~Installed after December 22, 1989, immediately upon installation.~~

d) ~~Any existing UGT system that cannot apply a method of release detection that complies with the requirements of this Subpart must complete the closure procedures in Subpart C by the date on which release detection is required for that UGT system under subsection (c).~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.141 Petroleum Systems (Repealed)

~~Owners and operators of petroleum UGT systems shall provide release detection for tanks and piping as follows:~~

- a) ~~Tanks. Tank must be monitored at least every 30 days for releases using one of the methods listed in Section 731.143(d) through (h) except that:~~
- 1) ~~UGT systems that meet the performance standards in Section 731.120 or Section 731.121, and the monthly inventory control requirements in Section 731.143(a) or (b), may use tank tightness testing (conducted in accordance with Section 731.143(e) at least every 5 years until December 22, 1990 or until 10 years after the tank is installed or upgraded under Section 731.121(b), whichever is later.~~
 - 2) ~~UGT systems that do not meet the performance~~

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standards in Section 731.120 or 731.121, may use monthly inventory controls (conducted in accordance with Section 731.143(a) or (b)) and annual tank tightness testing (conducted in accordance with Section 731.143(e)) until December 22, 1998, when the tank must be upgraded under Section 731.121 or permanently closed under Section 731.171, and

3) Tanks with capacity of 550 gallons or less may use weekly tank gauging (conducted in accordance with Section 731.143(b)).

b) Piping. Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one of the following requirements:

1) Pressurized piping. Underground piping that conveys regulated substances under pressure must:

A) Be equipped with an automatic line leak detector conducted in accordance with Section 731.144(a), and

B) Have an annual line tightness test conducted in accordance with Section 731.144(b) or have monthly monitoring conducted in accordance with Section 731.144(e).

2) Suction piping. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least every 3 years and in accordance with Section 731.144(b), or use a monthly monitoring method conduct in accordance with Section 731.144(e). No release detection is required for suction piping that is designed and constructed to meet the following standards:

A) The below grade piping operates at less than atmospheric pressure;

B) The below grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

C) Only one check valve is included in each suction line.

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D) The check valve is located directly below and as close as practical to the suction pump and

E) A method is provided that allows compliance with subsections (b)(2)(B) through (b)(2)(D) to be readily determined.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.142

Hazardous Substance Systems (Repealed)

Owners and operators of hazardous substance UST systems shall provide release detection that meets the following requirements:

a) Release detection at existing UST systems must meet the requirements for petroleum UST systems in Section 731.141. By December 22, 1998, all existing hazardous substance UST systems must meet the release detection requirements for new systems in subsection (b).

b) Release detection at new hazardous substance UST systems must meet the following requirements:

1) Secondary containment systems must be designed, constructed and installed to:

A) Contain regulated substances released from the tank system until they are detected and removed;

B) Prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and

C) Be checked for evidence of a release at least every 30 days.

BOARD NOTE: 35 Ill. Adm. Code 725.293 may be used to comply with these requirements.

2) Double-walled tanks must be designed, constructed and installed to:

A) Contain a release from any portion of the inner tank within the outer wall; and

B) Detect the failure of the inner wall.

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- 3) ~~External liners (including vaults) must be designed, constructed and installed to:~~
- ~~Contain 100 percent of the capacity of the largest tank within its boundary;~~
 - ~~Prevent the interference of precipitation of groundwater intrusion with the ability to contain or detect a release of regulated substances; and~~
 - ~~Surround the tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances);~~
 - ~~Underground piping must be equipped with secondary containment that satisfies the requirements of subsection (b)(1) (e.g., trench liners, jacketing of double-walled pipe). In addition, underground piping that conveys regulated substances under pressure must be equipped with an automatic line leak detector in accordance with Section 731.144(a).~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.143 Tanks [Repealed]

Each method of release detection for tanks used to meet the requirements of Section 731.141 must be conducted in accordance with the following:

- ~~Inventory control. Product inventory control (or another test of equivalent performance) must be conducted monthly to detect a release of at least 1.0 percent of flow through plus 130 gallons on a monthly basis in the following manner:~~
 - ~~Inventory volume measurements for regulated substance inputs, withdrawals and the amount still remaining in the tank are recorded each operating day;~~
 - ~~The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;~~
 - ~~The regulated substance inputs are reconciled with~~

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- ~~delivery receipts by measurement of the tank inventory volume before and after delivery;~~
- ~~Deliveries are made through a drop tube that extends to within one foot of the tank bottom;~~
 - ~~Product dispensing is metered and recorded within an accuracy of 6 cubic inches for every 5 gallons of product withdrawn; and~~
- ~~BOARD NOTE: Metering of petroleum products is regulated by the Illinois Department of Agriculture pursuant to Sections 8 and 43 of the Weights and Standards Act (Ill. Rev. Stat. 1987, ch. 147 pars. 108 and 143) and 8 Ill. Adm. Code 600.120 and 600.650 et seq. In that these regulations do not specify the accuracy of metering, owners or operators need to obtain an independent certification of meter accuracy prior to using this Section.~~
- ~~The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month.~~

~~BOARD NOTE: Practices described in the API Recommended Practice 1621, incorporated by reference in Section 731.113, may be used, where applicable, as guidance in meeting the requirements of this subsection.~~

- ~~Manual tank gauging. Manual tank gauging must meet the following requirements:~~

- ~~Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;~~
- ~~Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;~~
- ~~The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;~~
- ~~A leak is suspected and subject to the requirements of Subpart B if the variation between~~

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beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Weekly/Monthly Standard
Nominal Tank Standard (Average of
Capacity (One Test/Four Tests)
(gallons) (gallons) (gallons)

550 or less 105

551 to 1000 137

1001 to 2000 2613

5) Only tanks of 550 gallons or less nominal capacity may use this as the sole method of release detection. Tanks of 551 to 2,000 gallons may use the method in place of manual inventory control in Section 731.143(a). Tanks of greater than 2,000 gallons nominal capacity must not use this method to meet the requirements of this Subpart.

e) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) must be capable of detecting a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation and the location of the water table.

d) Automatic tank gauging. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:

1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product, and

2) Inventory control (or another test of equivalent performance) is conducted in accordance with the requirements of Section 731.143(a).

e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:

1) The materials used as backfill are sufficiently porous (e.g., gravel, sand, crushed rock) to

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readily allow diffusion of vapors from releases into the excavation area:

- 2) The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank.
 - 3) The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall or soil moisture or other known interferences so that a release could go undetected for more than 30 days.
 - 4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank.
 - 5) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system.
 - 6) In the UGM excavation zone, the site is assessed to ensure compliance with subsection (e)(1) through (e)(4) and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product, and
 - 7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
- f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater must meet the following requirements:
- 1) The regulated substance stored is immiscible in water and has a specific gravity of less than one,
 - 2) Groundwater is never more than 20 feet from the ground surface and the hydraulic conductivity of the soils between the UGM system and the monitoring wells or devices is not less than 0.01

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em/sec. (e.g., the soil must consist of gravels, coarse to medium sands, coarse silts or other permeable materials.)

3) The clogged portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions.

4) Monitoring wells must be sealed from the ground surface to the top of the filter pack.

5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible.

6) The continuous monitoring devices or manual methods used can detect the presence of at least one eighth of an inch of free product on top of the groundwater in the monitoring well.

7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in subsection (f) (1) through (f) (5) and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product, and

8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

9) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:

1) For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product.

BOARD NOTE: The provisions outlined in STI7 standard for Dual Wall Underground Storage Tank¹¹.

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incorporated by reference in Section 731.113, may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.

2) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier.

A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (at most 0.000001 em/sec (ten to the minus six) for the regulated substance stored) to direct a release to the monitoring point and permit its detection.

B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected.

C) For cathodically protected tanks, the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system.

D) The groundwater, soil moisture or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 days.

E) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions, and

F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

3) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

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- h) ~~Other methods. Any other type of release detection method, or combination of methods, can be used if:~~
- 1) ~~It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or~~
 - 2) ~~The Fire Marshal shall approve by permit condition another method if the owner and operator demonstrates that the method can detect a release as effectively as any of the methods allowed in subsection (c) through (h). In comparing methods, the Fire Marshal shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the Fire Marshal on its use to ensure the protection of human health and the environment.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.144 Piping (Repealed)

Each method of release detection for piping used to meet the requirements of Section 731.141 must be conducted in accordance with the following:

- a) ~~Automatic line leak detectors. A method which alerts the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if it detects leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements.~~
- b) ~~Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.~~
- c) ~~Applicable tank methods. Any of the methods in Section 731.143(e) through (h) may be used if they are designed to detect a release from any portion of the underground~~

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~~piping that routinely contains regulated substances.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.145 Recordkeeping (Repealed)

~~All UST system owners and operators shall maintain records in accordance with Section 731.134 demonstrating compliance with all applicable requirements of this Subpart. These records must include the following:~~

- a) ~~All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, must be maintained for 5 years;~~
- b) ~~The results of any sampling, testing or monitoring must be maintained for at least 1 year, except that the results of tank tightness testing conducted in accordance with Section 731.143(e) must be retained until the next test is conducted; and~~
- e) ~~Written documentation of all calibration, maintenance and repair of release detection equipment permanently located on-site must be maintained for at least one year after the servicing work is completed. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for 5 years from the date of installation.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

SUBPART E: RELEASE REPORTING,
INVESTIGATION AND CONFIRMATION

Section 731.150 Reporting of Suspected Releases (Repealed)

~~Owners and operators of UST systems shall report to the ESDA within 24 hours and follow the procedures in Section 731.152 for any of the following conditions:~~

- a) ~~The discovery by owners and operators or others of released regulated substances at the UST site or in the surrounding area (such as the presence of free product or vapors in soils, basements, sewer and utility lines~~

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or nearby surface water).

- b) Usual operating conditions observed by owners and operators (such as the erratic behavior of product dispensing equipment, the sudden loss of product from the UGT system or an unexplained presence of water in the tank), unless system equipment is found to be defective but not leaking, and is immediately repaired or replaced, and;
- c) Monitoring results from a release-detection method required under Section 731.141 and Section 731.142 that indicate a release may have occurred unless—
 - 1) The monitoring device is found to be defective and is immediately repaired, recalibrated or replaced, and additional monitoring does not confirm the initial result; or
 - 2) In the case of inventory control, a second month of data does not confirm the initial result.

(Source: Repealed at 16 Ill. Reg. 7.407, effective April 24, 1992)

Section 731.151 Investigation due to Off-site Impacts (Repealed)

When required by the Fire Marshal, owners and operators of UGT systems shall follow the procedures in Section 731.152 to determine if the UGT system is the source of off-site impacts. These impacts include the discovery of regulated substances (such as the presence of free product or vapors in soils, basements, sewer and utility lines or nearby surface and drinking waters) that has been observed by the Fire Marshal or brought to its attention by another person. The Fire Marshal shall require such an investigation by way of a letter or an oral order followed by a written confirmation.

(Source: Repealed at 16 Ill. Reg. 7.407, effective April 24, 1992)

Section 731.152 Release Investigation and Confirmation (Repealed)

Unless corrective action is initiated in accordance with Subpart F, owners and operators shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under Section 731.150 within 7 days, using the

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following steps:

- a) System test. Owners and operators shall conduct tests (according to the requirements for tightness testing in Section 731.143(e) and Section 731.144(b)) that determine whether a leak exists in that portion of the tank that routinely contains product, or the attached delivery piping, or both.
 - 1) Owners and operators shall repair, replace or upgrade the UGT system, and begin corrective action in accordance with Subpart F if the test results for the system, tank or delivery piping indicate that a leak exists.
 - 2) Further investigation is not required if the test results for the system, tank and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.
 - 3) Owners and operators shall conduct a site check as described in subsection (b) if the test results for the system, tank and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.
 - b) Site check. Owners and operators shall measure for the presence of a release where contamination is most likely to be present at the UGT site. In selecting sample types, sample locations and measurement methods, owners and operators shall consider the nature of the stored substance, the type of initial alarm or cause for suspicion, the type of backfill, the depth of groundwater and other factors appropriate for identifying the presence and source of the release.
 - 1) If the test results for the excavation zone or the UGT site indicate that a release has occurred, owners and operators shall begin corrective action in accordance with Subpart F.
 - 2) If the test results for the excavation zone or the UGT site do not indicate that a release has occurred, further investigation is not required.

(Source: Repealed at 16 Ill. Reg. 7.407, effective April 24, 1992)

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Section 731.153

Reporting and Cleanup of Spills and Overfills
(Repealed)

- a) ~~Owners and operators of UST systems shall contain and immediately clean up a spill or overflow and report to the Fire Marshal within 24 hours, and begin corrective action in accordance with Subpart F in the following cases:~~

- 1) ~~Spill or overflow of petroleum that results in a release to the environment that exceeds 25 gallons, or that causes a sheen on nearby surface water; and~~
- 2) ~~Spill or overflow of a hazardous substance that results in a release to the environment that equals or exceeds its reportable quantity under 40 CFR 302.4 and 302.5, incorporated by reference in Section 731.113.~~
- b) ~~Owners and operators of UST systems shall contain and immediately clean up a spill or overflow of petroleum that is less than 25 gallons, and a spill or overflow of a hazardous substance that is less than the reportable quantity. If cleanup cannot be accomplished within 24 hours, owners and operators shall immediately notify ESDA.~~

~~BOARD NOTE: Under 40 CFR 302.6 and 355.407 incorporated by reference in Section 731.113, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center (800/424-8802). In addition, 35 Ill. Adm. Code 750.410 requires notification of the ESDA (800/782-7660).~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

SUBPART F: RELEASE RESPONSE AND
CORRECTIVE ACTION

Section 731.161

Initial Response

Upon confirmation of a release in accordance with Section 731.152 or after a release from the UST system is identified in any other manner, owners and operators shall perform the following initial response actions within 24 hours of a release:

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- a) Report the release to ~~the ESDA~~ EMA (e.g., by telephone or electronic mail);

- b) Take immediate action to prevent any further release of the regulated substance into the environment; and
- c) Identify and mitigate fire, explosion and vapor hazards.

(Source: Amended at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.162

Initial Abatement Measures and Site Check

- a) Owners and operators shall perform the following abatement measures:

- 1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment;
- 2) Visually inspect any aboveground releases or exposed belowground releases and prevent further migration of the released substance into surrounding soils and groundwater;
- 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into substance structures (such as sewers or basements);
- 4) Remedy hazards posed by contaminated soils that are excavated or exposed as a result of release confirmation, site investigation, abatement or corrective action activities. If these remedies include treatment or disposal of soils, the owner and operator shall comply with 35 Ill. Adm. Code 722, 724, 725, and 807 ~~and 809~~ through 815.

- 5) Measure for the presence of a release where contamination is most likely to be present at the UST site, unless the presence and source of the release have been confirmed in accordance with the site check ~~required by Section 731.152(b)~~ or the closure site assessment ~~of Section 731.172(a)~~. In selecting sample types, sample locations and measurement methods, the owner and operator shall consider the nature of the stored substance, the

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type of backfill, depth to groundwater and other factors as appropriate for identifying the presence and source of the release; and

- 6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with Section 731.164.

- b) Within 20 days after release confirmation, owners and operators shall submit a report to the Agency, summarizing the initial abatement steps taken under subsection (a), above, and any resulting information or data.

(Source: Amended at 16 Ill. Reg. 7407, effective April 24, 1992)

SUBPART G: OUT-OF-SERVICE SYSTEMS
AND CLOSURE

Section 731.170 Temporary Closure (Repealed)

- a) ~~When an UST system is temporarily closed, owners and operators shall continue operation and maintenance of corrosion protection in accordance with Section 731.131, and any release detection in accordance with Subpart D. Subparts E and F must be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.~~

- b) ~~When an UST system is temporarily closed for 3 months or more, owners and operators shall also comply with the following requirements:~~

- 1) ~~Leave vent lines open and functioning, and~~
- 2) ~~Cap and secure all other lines, pumps, manways and ancillary equipment.~~

- e) ~~When an UST system is temporarily closed for more than 12 months, owners and operators shall permanently close the UST system if it does not meet either performance standards in Section 731.120 for new UST systems or the~~

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~~upgrading requirements in Section 731.121, except that the spill and overfill equipment requirements do not have to be met. Owners and operators shall permanently close the standard UST systems at the end of this 12-month period in accordance with Section 731.171 through Section 731.174.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.171 Permanent Closure and Changes-in-service
(Repealed)

- a) ~~At least 30 days before beginning either permanent closure or a change-in-service under subsections (b) or (c), owners and operators shall notify the Fire Marshal of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action. The required assessment of the excavation zone under Section 731.172 must be performed after notifying the Fire Marshal but before completion of the permanent closure or a change-in-service.~~

- b) ~~To permanently close a tank, owners and operators shall empty and clean it by removing all liquids and accumulated sludges. All tanks taken out of service permanently must also be either removed from the ground or filled it with an inert solid material.~~

- e) ~~Continued use of an UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, owners and operators shall empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment in accordance with Section 731.172.~~

~~BOARD NOTE: The following cleaning and closure procedures, incorporated by reference in Section 731.113, may be used to comply with this Section: API Recommended Practice 1604, API Publication 2015, API Recommended Practice 1631, NIOSH Publication No. 80-106 may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.172 Assessing Site at Closure or
Change-in-Service (Repealed)

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- a) ~~Before permanent closure or a change in service is completed, owners and operators shall measure for the presence of a release where contamination is most likely to be present at the UGT site. In selecting sample types, sample locations and measurement methods, owners and operators shall consider the method of closure, the nature of the stored substance, the type of backfill, the depth to groundwater and other factors appropriate for identifying the presence of a release. The requirements of this Section are satisfied if one of the external release detection methods allowed in Section 731.143(e) and (f) is operating in accordance with the requirements in Section 731.143 at the time of closure, and indicates no release has occurred.~~
- b) ~~If contaminated soils, contaminated groundwater or free product as a liquid or vapor is discovered under subsection (a), or by any other manner, owners and operators shall begin corrective action in accordance with Subpart F.~~

(Source: Repealed at 16 Ill. Reg. 7.407, effective April 24, 1992)

Section 731.173 Previously Closed Systems (Repealed)

~~When directed by the Fire Marshal, the owner and operator of an UGT system permanently closed before December 22, 1988, shall assess the excavation zone and close the UGT system in accordance with this Subpart if releases from the UGT may, in the judgment of the Fire Marshal, pose a current or potential threat to human health or the environment.~~

(Source: Repealed at 16 Ill. Reg. 7.407, effective April 24, 1992)

Section 731.174 Closure Records (Repealed)

~~Owners and operators shall maintain records in accordance with Section 731.134 that are capable of demonstrating compliance with closure requirements under this Subpart. The results of the excavation zone assessment required in Section 731.172 must be maintained for at least 3 years after completion of permanent closure or change in service in one of the following ways:~~

- a) ~~By the owners and operators who took the UGT system out of service.~~
- b) ~~By the current owners and operators of the UGT system.~~

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site, or

- e) ~~By mailing these records to the Fire Marshal if they cannot be maintained at the closed facility.~~

(Source: Repealed at 16 Ill. Reg. 7.407, effective April 24, 1992)

SUBPART H: FINANCIAL RESPONSIBILITY

Section 731.190 Applicability (Repealed)

- a) ~~This Subpart applies to owners and operators of all petroleum UGT systems except as otherwise provided in this Section.~~
- b) ~~Owners and operators of petroleum UGT systems are subject to these requirements if they are in operation on or after the date for compliance established in Section 731.191.~~
- c) ~~State and federal government entities whose debts and liabilities are the debts and liabilities of the State of the United States are exempt from the requirements of this Subpart.~~
- d) ~~The requirements of this Subpart do not apply to owners and operators of any UGT system described in Section 731.110(b) or (e).~~
- e) ~~If the owner and operator of a petroleum underground storage tank are separate persons, only one person is required to demonstrate financial responsibility; however, both parties are liable in event of noncompliance. Regardless of which party complies, the date set for compliance at a particular facility is determined by the characteristics of the owner as set forth in Section 731.191.~~

(Source: Repealed at 16 Ill. Reg. 7.407, effective April 24, 1992)

Section 731.191 Compliance Dates (Repealed)

~~Owners of petroleum underground storage tanks are required to comply with the requirements of this Subpart by the following dates:~~

- a) ~~All petroleum marketing firms owning 1,000 or more UGTs~~

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and all other UST owners that report a tangible net worth of \$20 million or more to the U.S. Securities and Exchange Commission (SEC), Dun and Bradstreet, the Energy Information Administration or the Rural Electrification Administration January 24, 1989, except that compliance with Section 730.194(b) is required by July 24, 1989.

- b) All petroleum marketing firms owning 100 through 999 USTS: October 26, 1989.
- c) All petroleum marketing firms owning 13 through 99 USTS at more than one facility: April 26, 1991.
- d) All petroleum UST owners not described in subsections (a), (b) or (c), excluding units of local government: October 26, 1991.
- e) All units of local government, one year after the date of adoption by the Board of additional mechanisms for use by units of local government to comply with financial responsibility requirements for petroleum USTS.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.192 Definitions (Repealed)

When used in this Subpart, the following terms have the meanings given below:

"Accidental release" means any sudden or nonsudden release of petroleum from an underground storage tank that results in a need for corrective action or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator.

"Bodily injury" means bodily injury, sickness or disease sustained by a person, including death resulting from any of these at any time. However, this term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

BOARD NOTE: Derived from 40 CFR 280.92, as adopted at 53 Fed. Reg. 43370, October 26, 1988, modified to

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insert the Insurance Services Office definition.

"Controlling interest" means direct ownership of at least 50 percent of the voting stock of another entity.

"Director of the Implementing Agency". See Section 731.114.

"Environmental damage" means the injurious presence in or upon land, the atmosphere or any watercourse or body of water of solid, liquid, gaseous or thermal contaminants, irritants or pollutants.

BOARD NOTE: This term is used in the definition of "pollution incident".

"Financial reporting year" means:

The latest consecutive twelve-month period for which any of the following reports used to support a financial test is prepared:

A 10-K report submitted to the Securities Exchange Commission;

An annual report of tangible net worth submitted to Dun and Bradstreet; or

Annual reports submitted to the Energy Information Administration or the Rural Electrification Administration.

"Financial reporting year" may thus comprise a fiscal or a calendar year period.

"Legal defense cost" is any expense that an owner or operator or provider of financial assurance incurs in defending against claims or actions brought.

By USEPA or the State to require corrective action or to recover the costs of corrective action;

By or on behalf of a third party for bodily injury or property damage caused by an accidental release; or

By any person to enforce the terms of a financial assurance mechanism.

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"occurrence" means an accident, including continuous or repeated exposure to conditions, which results in a release from an underground storage tank."

BOARD NOTE: This definition is intended to assist in the understanding of these regulations and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence".

"owner or operator", when the owner or operator are separate persons, refers to the person that is obtaining or has obtained financial assurance.

"petroleum marketing facilities" include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

"petroleum marketing firms" are all firms owning petroleum marketing facilities. Firms owning other types of facilities with UGTS as well as petroleum marketing facilities are considered to be petroleum marketing firms.

"pollution incident" means emission, discharge, release or escape of pollutants into or upon land, the atmosphere or any watercourse or body of water, provided that such emission, discharge, release or escape results in "environmental damage". The entirety of any such emission, discharge, release or escape shall be deemed to be one "pollution incident". "pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals and waste. "waste" includes materials to be recycled, reconditioned or reclaimed. The term "pollution incident" includes an "accidental release" or an "occurrence".

BOARD NOTE: This definition is used in the definition of "property damage."

"property damage" means

Physical injury to, destruction of or contamination of tangible property, including all resulting loss of use of that property, or

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loss of use of tangible property that is not physically injured, destroyed or contaminated, but has been evacuated, withdrawn from use or rendered inaccessible because of a "pollution incident".

This term does not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage do not include corrective action associated with releases from tanks which are covered by the policy.

BOARD NOTE: Derived from 40 CFR 280.92, as adopted at 53 Fed. Reg. 43370, October 26, 1988, modified to insert the Insurance Services Office definition.

"provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an underground storage tank through one of the mechanisms listed in Section 731-195 through 731-203, including a guarantor, insurer, risk retention group, surety or issuer of a letter of credit.

"Substantial business relationship" means that one business entity has an ownership interest in another.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Termination" under Section 731-197(b) means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

(Board Note: Derived from 40 CFR 280.92(e), as adopted at 54 Fed. Reg. 47081, November 9, 1989.

"Unit of local government" is as defined in the Illinois Constitution of 1970, Art. VII, Section 1.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992

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Section 731.193 Amount and Scope of Required Financial Responsibility (Repealed)

- a) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following per-occurrence amounts:
 - 1) For owners or operators of petroleum underground storage tanks that are located at petroleum marketing facilities, or that handle an average of more than 10,000 gallons of petroleum per month based on annual throughput for the previous calendar year: \$1 million.
 - 2) For all other owners or operators of petroleum underground storage tanks: \$500,000.
- b) Owners or operators of petroleum underground storage tanks shall demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks in at least the following annual aggregate amounts:
 - 1) For owners or operators of 1 to 100 petroleum underground storage tanks: \$1 million; and
 - 2) For owners or operators of 101 or more petroleum underground storage tanks: \$2 million.
- c) For the purposes of subsections (b) and (f) only, a "petroleum underground storage tank" means a single containment unit and does not mean combinations of single containment units.
- d) Except as provided in subsection (e), if the owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for:
 - 1) Taking corrective action;

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- 2) ~~Compensating third parties for bodily injury and property damage caused by sudden accidental releases; or~~
- 3) ~~Compensating third parties for bodily injury and property damage caused by nonsudden accidental releases, the amount of assurance provided by each mechanism or combination of mechanisms must be in the full amount specified in subsection (a) and (b);~~
- e) ~~If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum underground storage tanks, the annual aggregate required must be based on the number of tanks covered by each such separate mechanism or combination of mechanisms;~~
- f) ~~Owners or operators shall review the amount of aggregate assurance provided whenever additional petroleum underground storage tanks are acquired or installed, if the number of petroleum underground storage tanks for which assurance must be provided exceeds 100, the owner or operator shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the anniversary of the date on which the mechanism demonstrating financial responsibility became effective. If assurance is being demonstrated by a combination of mechanisms, the owner or operator shall demonstrate financial responsibility in the amount of at least \$2 million of annual aggregate assurance by the first occurring effective date anniversary of any one of the mechanisms combined (other than a financial test or guarantee) to provide assurance.~~
- g) ~~The amounts of assurance required under this Section exclude legal defense costs.~~
- h) ~~The required per-occurrence and annual aggregate coverage amounts do not in any way limit the liability of the owner or operator.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.194 Allowable Mechanisms and Combinations
(Repealed)

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- a) Subject to the limitations of subsections (b) and (c), an owner or operator may use any one or combination of the mechanisms listed in Sections 731.195 through 731.203 to demonstrate financial responsibility under this Subpart for one or more underground storage tanks.
- e) An owner or operator may use self insurance in combination with guarantee only if, for the purpose of meeting the requirements of the financial test under this Subpart, the financial statements of the owner or operator are not consolidated with the financial statements of the guarantor.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.195

Financial Test of Self-Insurance (Repealed)

- a) An owner or operator, or guarantor, may satisfy the requirements of Section 731.193 by passing a financial test as specified in this Section. To pass the financial test of self insurance, the owner or operator, or guarantor, shall meet the criteria of subsection (b) or (c) based on year end financial statements for the latest completed fiscal year.

b) Financial Test

- 1) The owner or operator, or guarantor, shall have a tangible net worth of at least ten times:
- A) The total of the applicable aggregate amount required by Section 731.193, based on the number of underground storage tanks for which a financial test is used to demonstrate financial responsibility for UST systems to USTRA pursuant to 40 CFR 280, to the Fire Marshal pursuant to this part or to implementing agencies of UST programs in other states authorized by USTRA pursuant to 40 CFR 201.
- B) The sum of the corrective action cost estimates, the current closure and post closure care cost estimates and amount of liability coverage for which a financial test is used to demonstrate financial responsibility for hazardous waste facilities

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to USTRA pursuant to 40 CFR 264 or 265, to the Agency pursuant to 35 Ill. Adm. Code 724 or 725 or to other state agencies authorized by USTRA to administer hazardous waste programs pursuant to 40 CFR 271.

- c) The sum of current plugging and abandonment cost estimates for which a financial test is used to demonstrate financial responsibility for underground injection wells to USTRA pursuant to 40 CFR 144, to the Agency pursuant to 35 Ill. Adm. Code 704, to the Department of Mines and Minerals pursuant to 62 Ill. Adm. Code 240 or to other state agencies authorized to administer underground injection control programs pursuant to 40 CFR 145.

- 2) The owner or operator, or guarantor, shall have a tangible net worth of at least \$10 million.

- 3) The owner or operator, or guarantor, shall have a letter signed by the chief financial officer worded as specified in subsection (a).

- 4) The owner or operator, or guarantor, shall either:

A) File financial statements annually with the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration; or

B) Report annually the firm's tangible net worth to Dun and Bradstreet, and Dun and Bradstreet must have assigned the firm a financial strength rating of 4A or 5A.

- 5) The firm's year end financial statements, if independently audited, cannot include an adverse auditor's opinion, a disclaimer of opinion or a "going concern" qualification.

e) RCRA Financial Test

- 1) The owner or operator, or guarantor shall meet the financial test requirements of 35 Ill. Adm. Code 724.247(f)(1) substituting the appropriate amounts specified in Section 731.193(b)(1) and (b)(2) for the "amount of liability coverage" each time

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specified in the Section.

- 2) ~~The fiscal year end financial statements of the owner or operator, or guarantor, must be examined by an independent certified public accountant and be accompanied by the accountant's report of the examination.~~
- 3) ~~The firm's year end financial statements cannot include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.~~
- 4) ~~The owner or operator, or guarantor, shall have a letter signed by the chief financial officer, worded as specified in subsection (d).~~
- 5) ~~If the financial statements of the owner or operator, or guarantor, are not submitted annually to the U.S. Securities and Exchange Commission, the Energy Information Administration or the Rural Electrification Administration, the owner or operator, or guarantor, shall obtain a special report by an independent certified public accountant stating that:~~

- A) ~~The accountant has compared the data that the letter from the chief financial officer specifies as having been derived from the latest year end financial statements of the owner or operator, or guarantor, with the amounts in such financial statements, and-~~
- B) ~~In connection with that comparison, no matters came to the accountant's attention which caused him to believe that the specified data should be adjusted.~~

d) ~~Forms.~~

- 1) ~~The Board incorporates by reference 40 CFR 280.95(d) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments.~~
- 2) ~~The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.95(d), with such changes as are necessary under Illinois law.~~
- 3) ~~The owner or operator shall use such forms if~~

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- 4) ~~To demonstrate that it meets the financial test under subsection (b) or (c), the chief financial officer of the owner or operator, or guarantor, shall sign, within 120 days of the close of each financial reporting year, as defined by the twelve month period for which financial statements used to support the financial test are prepared, a letter worded as provided in subsection (d)(3).~~
- e) ~~If an owner or operator using the test to provide financial assurance finds that the owner or operator no longer meets the requirements of the financial test based on the year end financial statements, the owner or operator shall obtain alternate coverage within 150 days of the end of the year for which financial statements have been prepared.~~
- f) ~~The Fire Marshal may require reports of financial condition at any time from the owner or operator, or guarantor. If the Fire Marshal finds, on the basis of such reports or other information, that the owner or operator, or guarantor, no longer meets the financial test requirements of subsection (b) or (c) and (d), the owner or operator shall obtain alternate coverage within 30 days after notification of such a finding.~~
- g) ~~If the owner or operator fails to obtain alternate assurance within 150 days of finding that the owner or operator no longer meets the requirements of the financial test based on the year end financial statements, or within 30 days of notification by the Fire Marshal, that the owner or operator no longer meets the requirements of the financial test, the owner or operator shall notify the Fire Marshal of such failure within 10 days.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.196 Guarantee (Repealed)

- a) ~~An owner or operator may satisfy the requirements of Section 731.193 by obtaining a guarantee that conforms to the requirements of this Section. The guarantor~~

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shall have an ownership interest in the owner or operator.

- b) Within 120 days after the close of each financial reporting year the guarantor shall demonstrate that it meets the financial test criteria of Section 731.195 based on year end financial statements for the latest completed financial reporting year by completing the letter from the chief financial officer described in Section 731.195(d) and shall deliver the letter to the owner or operator. If the guarantor fails to meet the requirements of the financial test at the end of any financial reporting year, within 120 days of the end of that financial reporting year the guarantor shall send by certified mail, before cancellation or nonrenewal of the guarantee, notice to the owner or operator. If the Fire Marshal notifies the guarantor that the guarantor no longer meets the requirements of the financial test of Section 731.195(b) or (c) and (d), the guarantor shall notify the owner or operator within 10 days of receiving such notification from the Fire Marshal. In both cases, the guarantee will terminate no less than 120 days after the date the owner or operator receives the notification, as evidenced by the return receipt. The owner or operator shall obtain alternative coverage as specified in Section 731.210(e).

e) Forms.

- 1) The Board incorporates by reference 40 CFR 280.96(e) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments.
- 2) The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.96(e), with such changes as are necessary under Illinois law.
- 3) The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.96(e), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.
- d) An owner or operator who uses a guarantee to satisfy the requirements of Section 731.193 shall establish a standby trust fund when the guarantee is obtained. Under the terms of the guarantee, all amounts paid by the guarantor under the guarantee will be deposited

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directly into the standby trust fund in accordance with instruction from the Fire Marshal under Section 731.208. This standby trust fund must meet the requirements specified in Section 731.203.

e) Additional requirements for guarantors.

- 1) The guarantor shall have a registered agent pursuant to Section 5.05 of the Business Corporation Act of 1983 (Ill. Rev. Stat. 1987, ch. 32, par. 5.05 or Section 105.05 of the General Not for Profit Corporation Act of 1986 (Ill. Rev. Stat. 1987, ch. 32, par. 105.05).
- 2) The guarantor shall execute the guarantee in Illinois. The guarantee shall be accompanied by a letter signed by the guarantor which states that:
 - A) The guarantee was signed in Illinois by an authorized agent of the guarantor;
 - B) The guarantee is governed by Illinois law; and,
 - C) The name and address of the guarantor's registered agent for service of process.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.197 Insurance or Risk Retention Group Coverage (Repealed)

- a) An owner or operator may satisfy the requirements of Section 731.193 by obtaining liability insurance that conforms to the requirements of this Section from a qualified insurer or risk retention group. Such insurance must be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

b) Forms.

- 1) The Board incorporates by reference 40 CFR 280.97(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988, as amended at 54 Fed. Reg. 47087, November 9, 1989. This Section incorporates no future editions or amendments.

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- 2) ~~The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.97(b), with such changes as are necessary under Illinois law.~~
- 3) ~~Each insurance policy must be amended by an endorsement, or evidenced by a certificate of insurance. The owner or operator shall use the forms specified in subsection (b) (2), if available; otherwise, the owner or operator shall use the forms in 40 CFR 280.97(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.~~
- e) ~~Each insurance policy must be issued by an insurer or a risk retention group which is licensed by the Illinois Department of Insurance.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.198 Surety Bond (Repealed)

- a) ~~An owner or operator may satisfy the requirements of Section 731.193 by obtaining a surety bond that conforms to the requirements of this Section. The surety company issuing the bond shall be licensed by the Illinois Department of Insurance.~~
- b) ~~Forms.~~
 - 1) ~~The Board incorporates by reference 40 CFR 280.98(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments.~~
 - 2) ~~The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.98(b), with such changes as are necessary under Illinois law.~~
 - 3) ~~The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.98(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.~~
 - e) ~~Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. In all cases, the surety's liability is limited to the~~

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- a) ~~The owner or operator who uses a surety bond to satisfy the requirements of Section 731.193 must establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund in accordance with instructions from the Fire Marshal under Section 731.208. This standby trust fund must meet the requirements specified in Section 731.203.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.199 Letter of Credit (Repealed)

- a) ~~An owner or operator may satisfy the requirements of Section 731.193 by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Section. The issuing institution shall be an entity with authority to issue letters of credit and whose letter of credit operations are regulated by the Illinois Commissioner of Banks and Trust Companies.~~
- b) ~~Forms.~~
 - 1) ~~The Board incorporates by reference 40 CFR 280.99(b) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments.~~
 - 2) ~~The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.99(b), with such changes as are necessary under Illinois law.~~
 - 3) ~~The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.99(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.~~
 - e) ~~An owner or operator who uses a letter of credit to satisfy the requirements of Section 731.193 shall also establish a standby trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the Fire Marshal shall be deposited by the issuing institution directly into the standby trust fund in~~

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- accordance with instructions from the Fire Marshal under Section 731.208, this standby trust fund must meet the requirements specified in Section 731.203.
- a) The letter of credit must be irrevocable with a term specified by the issuing institution. The letter of credit must provide that credit be automatically renewed for the same term as the original term, unless at least 120 days before the current expiration date, the issuing institution notifies the owner or operator by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 120 days will begin on the date when the owner or operator receives the notice, as evidenced by the return receipt.

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.200 UST State Fund (Repealed)

- a) Section 22.13 of the Act creates the Underground Storage Tank Fund (Fund). THE FUND IS INTENDED TO BE A STATE FUND BY WHICH PERSONS WHO QUALIFY FOR ACCESS TO THE FUND IN THE EVENT OF A RELEASE MAY SATISFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS UNDER THIS PART. (Section 22.13 of the Act.)

- b) An owner or operator may apply to the Fire Marshal for a certificate of coverage, on forms provided by the Fire Marshal.

- c) If the Fire Marshal determines that the owner or operator would be entitled to receive funds from the Fund in the event of a release, it shall issue a certificate of coverage. The certificate must certify:

- 1) Name of the owner or operator;
 - 2) Name and address of the facility;
 - 3) The amount of funds for corrective action or compensating third parties which is assured by the Fund;
 - 4) The effective date of the certificate.
- d) An owner or operator with a certificate is deemed in compliance with the requirements of this Subpart with

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respect to the facility listed in the certificate.

e) Owners or operators may use any financial assurance mechanism or combination of mechanisms meeting the requirements of the other Sections of this Subpart to meet the Fund requirement that they have insurance for the deductible.

- f) IF THE AGENCY REFUSES TO REIMBURSE OR AUTHORIZES ONLY A PARTIAL REIMBURSEMENT, THE AFFECTED OWNER OR OPERATOR MAY PETITION THE BOARD FOR A HEARING pursuant to 35 Ill. Adm. Code 105. (Section 22.18b(g) of the Act.)

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.202 Trust Fund (Repealed)

- a) An owner or operator may satisfy the requirements of Section 731.193 by establishing a trust fund that conforms to the requirements of this Section. The trustee shall be an entity which has authority to act as trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-1 et seq.)

- b) The wording of the trust agreement must be identical to the wording specified in Section 731.203(b), and must be accompanied by a formal certification of acknowledgement as specified in Section 731.203(b). In addition, the owner or operator and trustee shall agree that Illinois law governs the trust.

- c) The trust fund, when established, must be funded for the full required amount of coverage, or funded for part of the required amount of coverage and used in combination with other mechanisms that provide the remaining required coverage.

- d) If the value of the trust fund is greater than the required amount of coverage, the owner or operator may submit a written request to the Fire Marshal for release of the excess.

- e) If other financial assurance as specified in this Subpart is substituted for all or part of the trust fund, the owner or operator may submit a written

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- request to the Fire Marshal for release of the excess.
- f) ~~Within 60 days after receiving a request from the owner or operator for release of funds as specified in subsection (d) or (e), the Fire Marshal shall instruct the trustee to release to the owner or operator such funds as the Fire Marshal specifies in writing.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.203 Standby Trust Fund (Repealed)

- a) ~~An owner or operator using any one of the mechanisms authorized by Sections 731.196, 731.198 or 731.199 shall establish a standby trust fund when the mechanism is acquired. The trustee of the standby trust fund shall be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Illinois Commissioner of Banks and Trust Companies, or who complies with the Corporate Fiduciary Act, (Ill. Rev. Stat. 1987, ch. 17, pars. 1551-1 et seq.)~~

b) ~~Forms.~~

- 1) ~~The Board incorporates by reference 40 CFR 280.103(b) as adopted at 53 Fed. Reg. 43270, October 26, 1988 and as amended at 53 Fed. Reg. 51274, December 21, 1988. This Section incorporates no future editions or amendments.~~
- 2) ~~The Fire Marshal shall promulgate forms based on the forms in 40 CFR 280.103(b), with such changes as are necessary under Illinois law.~~
- 3) ~~The owner or operator shall use such forms if available; otherwise, the owner or operator shall use the form in 40 CFR 280.103(b), except that instructions in brackets must be replaced with the relevant information and the brackets deleted.~~
- 4) ~~In addition, the owner or operator and trustee shall agree that Illinois law governs the trust.~~
- e) ~~The Fire Marshal shall instruct the trustee to refund the balance of the standby trust fund to the provider of financial assurance if the Fire Marshal determines that no additional corrective action costs or~~

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~~third party liability claims will occur as a result of a release covered by the financial assurance mechanism for which the standby trust fund was established.~~

- d) ~~An owner or operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this Subpart.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.204 Substitution of Mechanisms (Repealed)

- a) ~~An owner or operator may substitute any alternate financial assurance mechanisms as specified in this Subpart, provided that at all times the owner or operator maintains an effective financial assurance mechanism or combination of mechanisms that satisfies the requirements of Section 731.193.~~
- b) ~~After obtaining alternate financial assurance as specified in this Subpart, an owner or operator may cancel a financial assurance mechanism by providing notice to the provider of financial assurance.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.205 Cancellation or Nonrenewal by Provider (Repealed)

- a) ~~Except as otherwise provided, a provider of financial assurance may cancel or fail to renew an assurance mechanism by sending a notice of termination by certified mail to the owner or operator.~~
- 1) ~~Termination of a guarantee, a surety bond or a letter of credit must not occur until 120 days after the date on which the owner or operator receives the notice of termination as evidenced by the return receipt, or~~
- 2) ~~Termination of insurance or risk retention group coverage, except for non-payment or misrepresentation by the insured, or coverage by the UST State Fund under Section 731.200, must not occur until 60 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.~~

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~~Termination for non-payment of premium or misrepresentation by the insured must not occur until a minimum of 10 days after the date on which the owner or operator receives the notice of termination, as evidenced by the return receipt.~~

- b) ~~If a provider of financial responsibility cancels or fails to renew for reasons other than incapacity of the provider as specified in Section 731-206, the owner or operator shall obtain alternate coverage as specified in this Section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator shall notify the Fire Marshal of such failure and submit.~~

- 1) ~~The name and address of the provider of financial assurance;~~

- 2) ~~The effective date of termination; and~~

- 3) ~~The evidence of the financial assistance mechanism subject to the termination maintained in accordance with Section 731.207(b).~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.206 Reporting (Repealed)

- a) ~~The owner or operator shall deposit with the Fire Marshal an original, or a signed duplicate original, of any required financial assurance document. The owner or operator shall deposit the document within 14 days after the date on which the operator receives the document.~~

- b) ~~An owner or operator shall certify compliance with the financial responsibility requirements of this part as specified in the new tank notification form when notifying the Fire Marshal of the installation of a new underground storage tank under Section 731-122.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.207 Recordkeeping (Repealed)

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~~An owner or operator who deposits the required financial assurance documents with the Fire Marshal pursuant to Section 731-206 is not otherwise required to maintain copies of the documents or the certificate, which would be required pursuant to 40 CFR 280.107, adopted at 53 Fed. Reg. 43357, October 26, 1988.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.208 Drawing on Financial Assurance (Repealed)

- a) ~~The Fire Marshal shall require the guarantor, surety or institution issuing a letter of credit to place the amount of funds stipulated by the Fire Marshal up to the limit of funds provided by the financial assurance mechanism, into the standby trust if:~~

- 1) ~~Both:~~

- A) ~~The owner or operator fails to establish alternate financial assurance within 60 days after receiving notice of cancellation of the guarantor, surety bond, letter of credit or as applicable, other financial assurance mechanism; and~~

- B) ~~The Fire Marshal determines or suspects that a release from an underground storage tank covered by the mechanism has occurred and so notifies the owner or operator or the owner or operator has notified EPA pursuant to Subpart E or F of a release from an underground storage tank covered by the mechanism; or~~

- 2) ~~The conditions of subsections (b)(1) or (b)(2)(A) or (B) are satisfied.~~

- b) ~~The Fire Marshal shall draw on a standby trust fund when:~~

- 1) ~~The Fire Marshal makes a final determination that a release has occurred and immediate or long-term corrective action for the release is needed, and the owner or operator, after appropriate notice and opportunity to comply, has not conducted corrective action as required under Subpart F; or~~

- 2) ~~The Fire Marshal has received either:~~

NOTICE OF ADOPTED AMENDMENTS

~~A) Certification from the owner or operator and third-party liability claimant and from attorneys representing the owner or operator and the third-party liability claimant that a third-party liability claim should be paid. The Board incorporates by reference 40 CFR 280.108(b)(2)(i) as adopted at 53 Fed. Reg. 43370, October 26, 1988. This Section incorporates no future editions or amendments. The certification must be worded as provided in 40 CFR 280.108(b)(2)(i), except that instructions in brackets are to be replaced with the relevant information and the brackets deleted. Or,~~

~~B) A valid final court order establishing a judgment against the owner or operator for bodily injury or property damage caused by an accidental release from an underground storage tank covered by financial assurance under this Subpart and the Fire Marshal determines that the owner or operator has not satisfied the judgment.~~

~~C) If the Fire Marshal determines that the amount of corrective action costs and third-party liability claims eligible for payment under subsection (b) may exceed the balance of the standby trust fund and the obligation of the provider of financial assurance, the first priority for payment must be corrective action costs necessary to protect human health and the environment. The Fire Marshal shall pay third-party liability claims in the order in which the Fire Marshal receives certifications under subsection (b)(2)(A), and valid court orders under subsection (b)(2)(B).~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.209 Release from Financial Assurance Requirement (Repealed)

~~An owner or operator is no longer required to maintain financial responsibility under this Subpart for an underground storage tank after the tank has been properly closed or, if corrective action is required, after corrective action has been completed and the~~

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~~tank has been properly closed as required by Subpart C.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.210 Bankruptcy or other Incapacity (Repealed)

~~a) Within 10 days after commencement of a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy), naming an owner or operator as debtor, the owner or operator shall notify the Fire Marshal by certified mail of such commencement and submit the appropriate forms listed in Section 731.207(b) documenting current financial responsibility.~~

~~b) Within 10 days after commencement of a voluntary or involuntary proceeding under 11 U.S.C. (Bankruptcy), naming a guarantor providing financial assurance as debtor, such guarantor shall notify the owner or operator by certified mail of such commencement as required under the terms of the guarantee specified in Section 731.196.~~

~~e) An owner or operator who obtains financial assurance by a mechanism other than the financial test of self-insurance will be deemed to be without the required financial assurance in the event of a bankruptcy or incapacity of its provider of financial assurance, or a suspension or revocation of the authority of the provider of financial assurance to issue a guarantee, insurance policy, risk retention group coverage policy, surety bond or letter of credit. The owner or operator shall obtain alternate financial assurance as specified in this Subpart within 30 days after receiving notice of such an event. If the owner or operator does not obtain alternate coverage within 30 days after such notification, the owner or operator shall notify the Fire Marshal.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731.211 Replenishment (Repealed)

~~a) If at any time after a standby trust is funded upon the instruction of the Fire Marshal with funds drawn from a guarantee, letter of credit or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator~~

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shall by the anniversary date of the financial mechanism from which the funds were drawn:

- 1) ~~Replenish the value of financial assurance to equal the full amount of coverage required, or~~
- 2) ~~Acquire another financial assurance mechanism for the amount by which funds in the standby trust have been reduced.~~
- b) ~~For purposes of this Section, the full amount of coverage to be provided by Section 731.193. If a combination of mechanisms was used to provide the assurance funds which were drawn upon, replenishment must occur by the earliest anniversary date among the mechanisms.~~

(Source: Repealed at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731. Appendix A

The Board incorporates by reference 40 CFR 280, Appendix I (1988), as amended at 53 Fed. Reg. 37208, September 23, 1988 (1991). This Section incorporates no future editions or amendments. Persons required to notify shall use forms provided by the Fire Marshal if available. Otherwise, they may prepare forms based on 40 CFR 280, Appendix I.

(Source: Amended at 16 Ill. Reg. 7407, effective April 24, 1992)

Section 731. Appendix C Statement for Shipping Tickets and Invoices

Note.-A Federal law (The Resource Conservation and Recovery Act (RCRA), as amended (Pub. L. 98-616)) requires owners of certain underground storage tanks to notify designated State or local agencies by May 8, 1986, of the existence of their tanks. Notifications for tanks brought into use after May 8, 1986, must be made within 30 days. Consult USEPA's regulations, issued on November 8, 1985 (40 CFR 280) to determine if you are affected by this law.

(Source: Added at 16 Ill. Reg. 7407, effective April 24, 1992)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Programs
- 2) Code Citation 11 Ill. Adm. Code 415
- 3) Section Number: 415.60 Adopted Action: New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par 37-9(b)
- 5) Effective Date of Rule: April 24, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: April 24, 1992
- 9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 1263
- January 17, 1992.
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: The phrase "an adequate number of" was removed from the first sentence. The following test was added after the second sentence "Failure to supply photocopies of the programs may result in a civil penalty, not to exceed \$1,000. For subsequent violations of this rule, the civil penalty shall be double the amount of the preceding penalty. Civil penalties shall not be assessed when extenuating circumstances exist (e.g., breakdown of equipment)."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, see attached.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: In recent months the Board has received numerous complaints from patrons regarding the shortage of programs at several wagering locations. The Board has proposed the attached rule which requires all licensees to provide adequate programs for each day of racing. In the event a supply of programs becomes depleted, the location is required to provide a photocopy of the day's program to those patrons requesting the same. This new section, when adopted, will be posted at each location where programs are sold to inform the patrons of the duty of the licensee.

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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER 1: ILLINOIS RACING BOARD
SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 415
PROGRAMS

Section	Required Information
415.10	Supply Information for Patrons
415.20	Thoroughbred Programs
415.30	Harness Programs
415.40	Quarterhorse Programs
415.50	Availability of Programs
415.60	

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)).

SOURCE: Adopted at 4 Ill. Reg. 43, effective October 20, 1980; codified at 5 Ill. Reg. 10900; emergency amendment at 7 Ill. Reg. 16201, effective November 28, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 5698, effective April 16, 1984; amended at 14 Ill. Reg. 11314, effective July 3, 1990; amended at 16 Ill. Reg. 7486, effective April 24, 1992.

Section 415.60 Availability of Programs

Every licensee shall provide programs for each day of operation. In the event the supply of programs for any day of operation becomes depleted, the licensee shall provide photocopies, free of charge, to those patrons requesting programs. Failure to supply photocopies of the programs may result in a civil penalty, not to exceed \$1,000. For subsequent violations of this rule, the civil penalty shall be double the amount of the preceding penalty. Civil penalties shall not be assessed when extenuating circumstances exist (e.g., breakdown of equipment). This Section shall be prominently displayed at each location where programs are sold.

(Source: Added at 16 Ill. Reg. 7486, effective April 24, 1992)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Racing Rules
- 2) Code Citation 11 Ill. Adm. Code 1318
- 3) Section Number: 1318.180 Adopted Action: New Section
1318.190 New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par 37-9(b)
- 5) Effective Date of Rule: April 27, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: April 27, 1992
- 9) Notice of Proposal Published in Illinois Register: 15 Ill. Reg. 15388
- October 25, 1991
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version: The sentence "The criteria for Board approval shall include, but not be limited to, the size of the race track, the length of the homestretch, the necessity for conversion from harness to thoroughbred racing surfaces and rails, and the type of existing rail." was added to Section 1318.190(a). The phrase "on 1/2 mile and 5/8 mile tracks" was added to Subsection (b). The phrase "first homestretch run" was changed to "stretch the first time" in Subsection (b)(1). In Subsection (b)(3), "Horses using the open stretch must first have complete clearance of the pylons. Any horse or sulky running over the pylons and/or going to the inside of the pylons to clear shall be disqualified." was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes, see attached.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: These rules provide for situations in which a racetrack does not have continuous, solid rail to prevent the horse or part of the horse's sulky from leaving the course. These rules deal specifically with circumstances which may force a horse inside the pylon and the steps a driver must take to guide the horse back onto the track safely. These rules also provide for open stretch racing.

ILLINOIS RACING BOARD

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1318
RACING RULES

Section

1318.10 Racing Conduct

1318.20 Complaints

1318.30 Disqualification of Entries

1318.40 Penalties

1318.50 Unsatisfactory Driving

1318.60 Driver Substitution

1318.70 Failure to Finish

1318.80 Improper Conduct

1318.90 Whips and Snappers

1318.100 Goading Devices

1318.110 Accidents

1318.120 Use of Hopples

1318.130 Breaking

1318.140 Breaking on Purpose

1318.150 Call Out Breaks

1318.160 Right of Course

1318.170 Penalties

1318.180 Harness Tracks Without a Continuous Hub Rail

1318.190 Open Stretch Racing

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Harness Racing, (Original date not cited in publication); adopted December 22, 1977, filed December 30, 1977; codified at 5 Ill. Reg. 10945; amended at 5 Ill. Reg. 13719, effective December 2, 1981; amended at 16 Ill. Reg. 7489, effective April 27, 1992.

Section 1318.180 Harness Tracks Without a Continuous Hub Rail

- a) In the event a horse or part of the horse's sulky leaves the course, and if, in the opinion of the stewards, that action gives the horse an unfair advantage over the other horses in the race, the horse may be disqualified or placed back one or more positions. In any such disqualification or placing, the horse gaining an unfair advantage shall be disqualified or place behind the horse or horses effected.

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- b) In the event a horse or part of the horse's sulky leaves the course for any reason, it shall be the driver's responsibility to take all reasonable steps to safely re-enter the race course as soon as possible.

(Source: Added at 16 Ill. Reg. 7489, effective April 27, 1992)

Section 1318.190 Open Stretch Racing

- a) With approval of the Board, a track may extend the width of its homestretch up to 10 feet inward in relation to the width of the rest of the racetrack. The criteria for Board approval shall include, but not be limited to, the size of the race track, the length of the homestretch, the necessity for conversion from harness to thoroughbred racing surfaces and rails, and the type of exiting rail.
- b) In the event the home stretch is expanded pursuant to subsection (a), the following shall apply on 1/2 mile and 5/8 mile tracks:

1) No horse shall pass on the extended inside lane entering the stretch the first time.

2) The lead horse in the homestretch shall maintain as straight a course as possible while allowing trailing horses full access to the extended inside lane.

3) Horses using the open stretch must first have complete clearance of the pylons. Any horse or sulky running over the pylons and/or going to the inside of the pylons to clear shall be disqualified.

(Source: Added at 16 Ill. Reg. 7489, effective April 27, 1992)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Regulations for Meetings

2) Code Citation 11 Ill. Adm. Code 1424

3) Section Number: 1424.250 Adopted Action: Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 8, par 37-9(b)

5) Effective Date of Rule: April 24, 1992

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporation by reference? No.

8) Date filed in Agency's Principal Office: April 24, 1992

9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 1266
- January 17, 1992

10) Has JCAR issued a Statement of Objections to this rule? No.

11) Differences between proposal and final version: No changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? See attached.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other proposed amendments pending in this Part? Yes,
Sections 1424.100, 1424.170 and 1424.175. Published February 14,
1992, 16 Ill. Reg. 2444.

15) Summary and purpose of rules: This amendment waives the requirement for the organization licensee to card races for two year old Maidens early in the year. During race meetings in the months of December through May there is an insufficient population of thoroughbred horses in this category (2 year old maidens) to fill the required number of races stated in this Section.

16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board
Legal Department
State of Illinois Center
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

The full text of the adopted amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1424

REGULATIONS FOR MEETINGS

Section	
1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Pacing System
1424.160	Camera
1424.170	Medical Services
1424.175	Manned Ambulance
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses
1424.260	Breeder Awards
1424.270	Admissions to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet

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AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1991, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992.

Section 1424.250 Races for Illinois Horses

- a) Organization licensees shall provide at least two races each day limited to Illinois conceived and foaled horses or Illinois foaled horses or both by scheduling at least two such races each day in their condition books. At least one of such races shall be a regularly scheduled race and not a substitute or extra race.
- b) Organization licensees shall make every effort to conduct at least one Illinois conceived and foaled or Illinois foaled race each day. If however such race fails to fill, the organization licensee shall make up this deficiency within four racing days. Provided further that in the event that an organization licensee has conducted more than one Illinois conceived and foaled or Illinois foaled race per day during the preceding six racing days, said licensee will not be required to make up for a day in which it was unable to fill an Illinois conceived and foaled or Illinois foaled race. Whenever a race for Illinois conceived and foaled horses or Illinois foaled horses or both is eliminated for any one day, the Racing Secretary shall make a written report to the Board.
- c) Each proper Illinois foaled or Illinois conceived and foaled race which the licensee fails to hold or make up shall be a separate and distinct violation of this rule and of Section 30(c) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1983, ch. 8, par. 37-30(c)).
- d) The purse value for an Illinois foaled or Illinois conceived and foaled race shall be no less than the purse value provided for races for open competition horses of the same class running under similar conditions.
- e) Within seven days after the commencement of any racing meeting, the racing secretary shall prepare and maintain for inspection by the Board a record of all Illinois foaled and Illinois conceived and foaled horses occupying stalls at the track at which the licensee is conducting its meeting. The list shall include information as to the age, sex, quality, and racing classification (e.g., Maiden, etc.) of

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each horse and the sire and dam of each horse.

f) In addition to the other requirements of this rule, each licensee shall use its best efforts to schedule lead up races and races for the better class horses, provided that each licensee shall schedule no less than the following races each week for Illinois foaled or Illinois conceived and foaled horses:

- 1) After June 1st of each year, one race for 2 year old Maidens (Allowance Race)
- 2) One race for 3 year old and up Maidens (Allowance Race)
- 3) One race for 3 year old and up Maidens and winners of one race (Winners preferred) (Allowance Race).
- 4) After July 1st of each year, one race for 2 year old Maidens and winners of one race (Winners preferred) (Allowance Race).

(Source: Amended at 16 Ill. Reg. 7493, effective April 24, 1992.)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 5375
- 3) Section numbers:
5375. App.A
Adopted Action:
amendment
- 4) Statutory Authority: Implementing Section 4.01 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004.01) and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).
- 5) Effective Date of Rule(s) Amendments: April 22, 1992
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: April 8, 1992
- 9) Notice(s) of Proposal Published in Illinois Register:

Since this amendment involves the internal organization of the agency, neither prior publication nor a public comment period was required for this rulemaking.

- 10) Has JCAR issued a Statement of Objections to these rule(s)? No.
- 11) Difference(s) between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Since this amendment involves the internal organization of the agency, no JCAR comment period was required for this rulemaking.
- 13) Will these amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: Appendix A, the agency's organizational chart, is being updated to reflect changes that were made during the February 1991 restructuring of this agency.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilnot Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER XIV: ILLINOIS STUDENT ASSISTANCE COMMISSION
PART 5375
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section
5375.10
Information

SUBPART B: RULEMAKING

Section
5375.100
Rulemaking Procedures

SUBPART C: ORGANIZATION

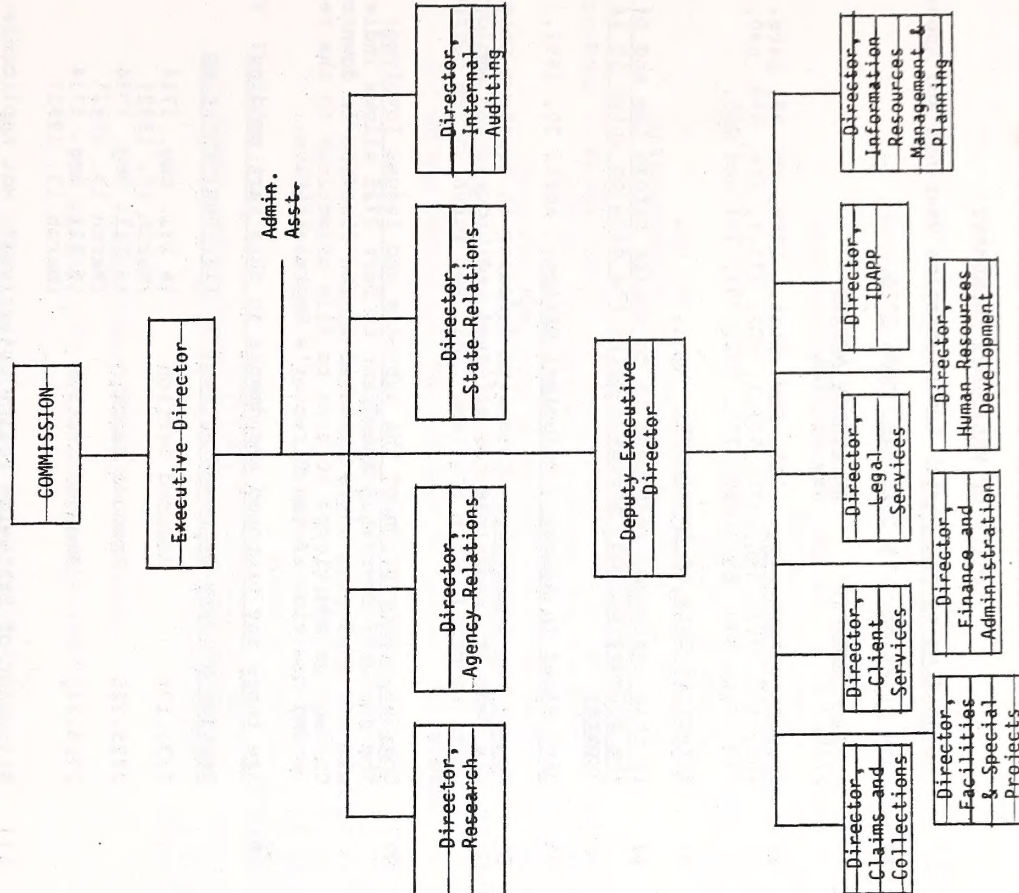
Section
5375.210
The Commission
5375.220
Agency Organization
5375.230
Procedures for Public Statements at Commission Meetings

5375 APPENDIX A - Organization Chart

AUTHORITY: Implementing Section 4.01 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004.01) and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 17, 1980; amended at 4 Ill. Reg. 34, p. 208, effective August 9, 1980; amended at 6 Ill. Reg. 8413, effective June 30, 1982; rules repealed and new rules adopted at 8 Ill. Reg. 2505, effective February 10, 1984; amended at 8 Ill. Reg. 17022, effective September 5, 1984; amended at 11 Ill. Reg. 17836, effective October 16, 1987; transferred from Chapter XII, 2 Ill. Adm. Code 5275 (State Scholarship Commission) to Chapter XIV, 2 Ill. Adm. Code 5375 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17867; amended at 16 Ill. Reg. 7497, effective April 22, 1992.

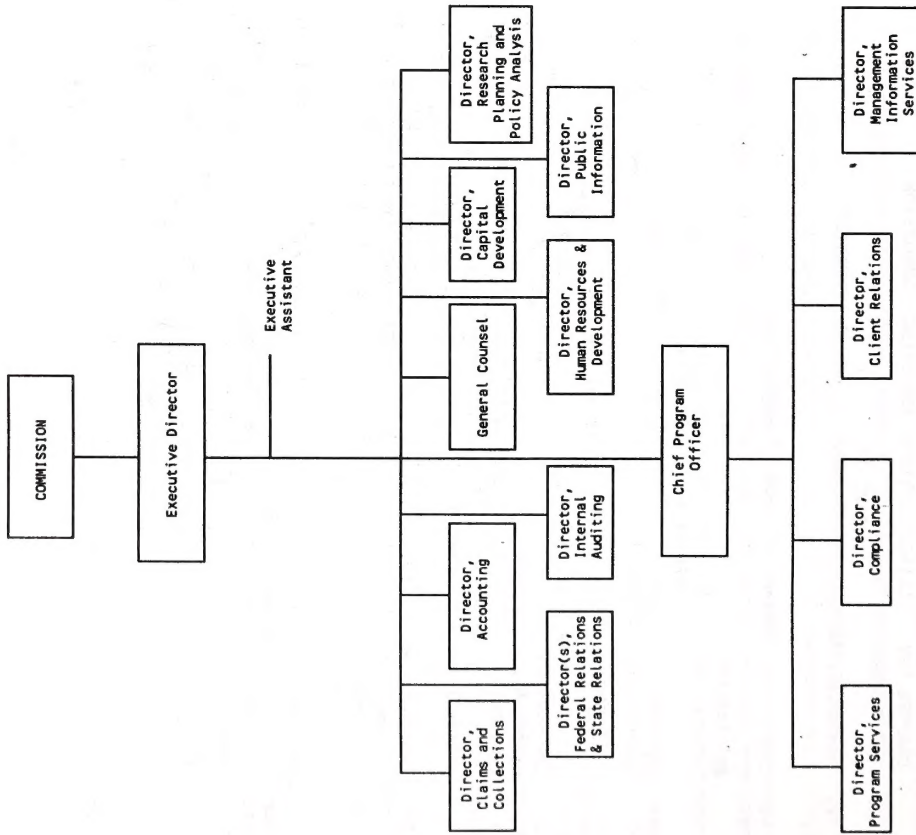
Section 5375. APPENDIX A Organization Chart



ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 5375. Appendix A Organization Chart



(Source: Amended at 16 Ill. Reg. 7497, effective April 22, 1992)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

The Heading of the Part: Administrative Hearings And Appeals

Code Citation: 56 Ill. Adm. Code 2725

Section Numbers: Emergency Action: 2725.2 New Section

Statutory Authority: Ill. Rev. Stat., 1989, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 579, 580, 610, 611, 680, 681, 683, 700, 702, 703, 704 and 705.

Effective Date of Amendment: April 22, 1992

If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:

Date Filed in Agency's Principal Office: April 20, 1992.

Reason for Emergency: Extensive flooding in downtown Chicago has made it impossible for affected individuals and employing units to comply with the time limit set forth in the current rule.

Complete Description of the Subjects and Issues Involved: The enclosed Emergency Amendment to Part 2725 allows individuals and employing units affected by the flooding in downtown Chicago an additional 30 days to file objections to the recommended decision of the Director's Representative.

Are there any proposed amendments to this Part pending? Yes.

Section Numbers	Proposed Action	Ill. Reg. Citation
2725.100	Amended Section	16 Ill. Reg. 3734 (March 13, 1992)
2725.225	Amended Section	16 Ill. Reg. 3734 (March 13, 1992)
2725.245	Amended Section	16 Ill. Reg. 3734 (March 13, 1992)

Statement of Statewide Policy Objectives? Not Applicable.

Information and questions regarding this amendment shall be directed to:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

Gregory J. Ramel, Acting Commissioner
 Illinois Department of Employment Security
 401 South State Street - 2nd Floor South
 Chicago, IL 60605
 312-793-4240

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
 CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
 SUBCHAPTER a: GENERAL PROVISIONS

PART 2725

ADMINISTRATIVE HEARINGS AND APPEALS

SUBPART A: GENERAL PROVISIONS

Section

2725.1
 2725.2

Definitions
 Emergency Extensions Of Time Limits For Filing Objections To Recommended Decision

EMERGENCY

2725.3
 2725.5
 2725.10
 2725.15
 2725.20
 2725.25

Burden Of Proof
 Designation Of Agents
 Computation Of Time
 Disqualification Of Agency Employee
 Request For Clarification
 Form Of Papers Filed

SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEF

2725.100
 2725.105
 2725.110
 2725.115
 2725.120

Application For Revision Of Statement Of Benefit Wages
 Or Of Statement Of Benefit Charges
 Application For Review Of Rate Determination
 Protest Of Determination And Assessment
 Claim For Adjustments (Credits) And Refunds
 Application For Cancellation Of Benefit Wages Or Benefit Charges Due To Lack Of Notice

SUBPART C: APPEAL TO DIRECTOR'S REPRESENTATIVE

2725.200
 2725.205
 2725.210
 2725.215
 2725.220
 2725.225
 2725.230
 2725.232
 2725.235
 2725.237
 2725.240
 2725.245

Filing Of Appeal
 Pre-Hearing Conference
 Notice Of Hearing
 Preparation For The Hearing
 Telephone Hearings
 Ex Parte (One Party Only) Communications
 Subpoenas
 Depositions
 Consolidation Or Severance Of Proceedings
 Adding Necessary Parties
 Withdrawal Of Petition For Hearing
 Continuances

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT

2725.250 Conduct Of Hearing
 2725.255 Rules Of Evidence
 2725.260 Oral Argument-Memoranda-Post Hearing Documents
 2725.265 The Record
 2725.270 Recommended Decision
 2725.275 Objections To Recommended Decision
 2725.280 Decision Of Director

AUTHORITY: Implementing and authorized by Sections 701, 702, 703, 705, 1501.1, 1502, 1502.1, 1508, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 579, 580, 610, 611, 680, 681, 683, 700, 702, 703, 704 and 705.

SOURCE: Adopted at 11 Ill. Reg. 11065, effective July 1, 1987; amended at 12 Ill. Reg. 14653, effective September 6, 1988; amended at 12 Ill. Reg. 16060, effective September 23, 1988; emergency amendments at 13 Ill. Reg. 11872, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17383, effective October 30, 1989; amended at 14 Ill. Reg. 5126, effective March 22, 1990; amended at 16 Ill. Reg. 113, effective December 23, 1991; amended at 16 Ill. Reg. 2122, effective January 27, 1992; emergency amendment at 16 Ill. Reg. 7502, effective April 22, 1992, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 2725.2 Emergency Extensions Of Time Limits For Filing
EMERGENCY Objections To Recommended Decision

Notwithstanding the provisions of Section 2725.275, if timely objections to a recommended decision are due from April 13, 1992 through May 15, 1992, and the failure to file the objections within the time limit set forth in Section 2725.275 is due to the flooding in downtown Chicago, the objections shall be considered to have been filed in a timely manner if they are filed within 30 days of the time limit set forth in Section 2725.275.

(Source: Emergency rule added at 16 Ill. Reg. 7502, effective April 22, 1992, for a maximum of 150 days)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

- 1) The Heading of the Part: Claims, Adjudication, Appeals and Hearings
- 2) Code Citation: 56 Ill. Adm. Code 2720
- 3) Section Numbers: Emergency Action: New Section 2720.2
- 4) Statutory Authority: Ill. Rev. Stat., 1989, ch. 48, pars. 347, 349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 701, 702 and 704.
- 5) Effective Date of Amendment: April 22, 1992
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed in Agency's Principal Office: April 20, 1992.
- 8) Reason for Emergency: Extensive flooding in downtown Chicago has made it impossible for affected individuals and employing units to comply with the time limits set forth in the affected rule.
- 9) Complete Description of the Subjects and Issues Involved: The enclosed Emergency Amendment to Part 2720 allows individuals and employing units affected by the flooding in downtown Chicago an additional 30 days to respond as required by the affected rule.
- 10) Are there any proposed amendments to this Part pending? No.
- 11) Statement of Statewide Policy Objectives? Not Applicable.
- 12) Information and questions regarding this amendment shall be directed to:

Gregory J. Ramel, Acting Commissioner
 Illinois Department of Employment Security
 401 South State Street - 2nd Floor South
 Chicago, IL 60605
 312-793-4240

The full text of the emergency amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2720

CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

SUBPART A: GENERAL PROVISIONS

Section	Definitions
2720.1	Emergency Extensions Of Time Limits For Filing
2720.2	
EMERGENCY	
2720.3	"Week" In Relation To "Benefit Year"
2720.5	Service Of Notices, Decisions, Orders
2720.7	Application For Electronic Data Transmission
2720.10	Computation Of Time
2720.15	Disqualification Of Adjudicator, Referee, Or Board Of Review
2720.20	Attorney Representation Of Claimants
2720.25	Form Of Papers Filed
2720.30	Correction Of Technical Errors

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section	Filing A Claim
2720.100	Filing, Registering And Reporting By Mail Under Special Circumstances
2720.101	
2720.105	Time For Filing An Initial Claim For Benefits
2720.106	Dating Of Claims For Weeks Of Partial Unemployment
2720.107	Employing Unit Reports For Partial Unemployment
2720.108	Alternative "Base Period"
2720.110	Required Second Visit To Local Office
2720.115	Continuing Eligibility Requirements
2720.120	Time For Filing Claim Certification For Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)
2720.126	Availability For Part Time Work Only (Repealed)
2720.127	Director's Approval Of Training (Repealed)
2720.128	Active Search For Work: Attendance At Training Courses (Repealed)
2720.129	Regular Attendance In Approved Training (Repealed)
2720.130	Employing Unit Protest Of Benefit Payment

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

2720.132	Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work
2720.135	Adjudicator Investigation
2720.140	Adjudicator Determination
2720.145	Payment Of Unemployment Insurance Benefits For Initial Claims
2720.150	Applying For Unemployment Insurance Benefits Under Extension Programs
2720.155	Non-Resident Application For Benefits
2720.160	Reconsidered Findings Or Determinations

SUBPART C: APPEALS TO REFEREE

Section	Filing Of Appeal
2720.200	Notice Of Hearing
2720.205	Preparation For The Hearing
2720.210	Format Of Hearings
2720.215	Ex Parte (One Party Only) Communications
2720.220	Subpoenas
2720.225	Depositions
2720.227	Consolidation Or Severance Of Proceedings
2720.230	Withdrawal Of Appeal
2720.235	Continuances
2720.240	Conduct Of Hearing
2720.245	Rules Of Evidence
2720.250	Failure Of Party To Appear At The Scheduled Hearing
2720.255	The Record
2720.265	Referee's Decision
2720.270	Labor Dispute Appeals
2720.275	Prehearing Conference In Labor Dispute Appeal
2720.277	

SUBPART D: APPEALS TO THE BOARD OF REVIEW

Section	Filing Of Appeal
2720.300	Notice Of Appeal
2720.305	Request For Oral Argument
2720.310	Submission Of Written Argument Or Request To Submit Additional Evidence
2720.315	Access To Record
2720.320	Withdrawal Of Appeal
2720.325	Consolidation Or Severance Of Appeals
2720.330	Decision Of The Board Of Review
2720.335	

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

is maintained is located in downtown Chicago. Due to a lack of electricity due to flooding, this office is closed until April 21, 1992. This Company is entitled to an additional 30 days (until May 11, 1992) to file a timely protest.

(Source: Emergency rule added at 16 Ill. Reg. 7506 effective April 22, 1992, for a maximum of 150 days)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF EMERGENCY AMENDMENT(S)

2720.340 Extensions Of Time In Which To Issue A Board Of Review Decision

2720.345 Issuance Of Notice Of Right To Sue

AUTHORITY: Implementing and authorized by Sections 237, 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 347, 349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 701, 702 and 704).

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. 15334, effective September 10, 1990; amended at 14 Ill. Reg. 18489, effective November 5, 1990; amended at 16 Ill. Reg. 2556, effective January 30, 1992; emergency amendment at 16 Ill. Reg. 7506, effective April 22, 1992, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 2720.2 Emergency Extensions Of Time Limits For Filing EMERGENCY

Notwithstanding the provisions of Sections 2720.130(a), 2720.130(d)(3), 2720.130(e) and 2720.132(c), if a timely response is due from April 13, 1992 through May 15, 1992, and the failure to file the response within the time limits set forth in Sections 2720.130(a), 2720.130(d)(3), 2720.130(e) and 2720.132(c) is due to the flooding in downtown Chicago, the response shall be considered to have been filed in a timely manner if it is filed within 30 days of the applicable time limit set forth in Sections 2720.130(a), 2720.130(d)(3) and 2720.130(e) and 2720.132(c).

Example: Company A's protest in response to a "Notice of Claim to Last Employing Unit and Last Employer or Other Interested Party" is due April 11, 1992 (a Saturday date which is extended to April 13, 1992). The Company office where payroll and separation information

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Water Use Designations and Site Specific Water Quality Standards

2) Code Citation: 35 Ill. Adm. Code 303

3) Section Numbers: Proposed Action:

303.203 Amendment

- 4) Date Notice of Proposed Amendments Published in the Illinois Register:

December 2, 1991

15 Ill. Reg. 17026

- 5) Reason for the withdrawal:

The Board is sending new proposed amendments to Section 303.203 to first notice, and has chosen not to proceed with the proposed language published December 2, 1991. The Board Docket Number for this proceeding is R89-14(C). Interested persons may contact Michelle Dresdow at (815) 753-0947 for further information.

- 1) The Heading of the Part:

The Illinois Drug Formulary for the Drug Product Selection Program

- 2) Code Citation:

77 Ill. Adm. Code 790

- 3) The Notice of Adopted Amendments being corrected appeared at:

16 Ill. Reg. 5941 (April 10, 1992)

- 4) The information being corrected is as follows:

The correct effective date of the adopted amendments is March 24, 1992, instead of March 30, 1992.

POLLUTION CONTROL BOARD

NOTICE OF PUBLIC INFORMATION ON PROPOSED AMENDMENTS

NOTICE OF NON-APPLICABILITY
OF SECTION 5 OF THE ADMINISTRATIVE PROCEDURE ACT

Section 9.1(e) of the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987, ch. 111½, par. 1009.1(e)) requires the Board to adopt regulations which are "identical in substance" to USEPA policy statements that exempt certain negligibly-reactive compounds from the definition of volatile organic materials. These rules are contained in 35 Ill. Adm. Code 211 and 215. The Board proposed amendments to these rules on February 6, 1992 in R91-24. The proposal appeared at 16 Ill. Reg. 6606 (Part 211), 6631 (Part 203), 6635 (Part 215), 6643 (Part 218), and 6676 (Part 219), April 24, 1992.

The answer to question 5 in the Notice of Proposed Amendments for each Part affected began with the following statement:

A complete description is contained in the Board's Opinion of February 27, 1992 in R91-24, which Opinion is available from the address below.

The answer to question 10 in each Notice began with the following statement:

This rulemaking is mandated by Section 9.1(e) of the Environmental Protection Act.

Although the Board believes that the answers to both questions make it apparent that Section 5 of the Administrative Procedure Act (Ill. Rev. Stat. 1991 ch. 127, par. 1005) does not apply to these proceedings, and thus, these rulemakings are not subject to review by the Joint Committee on Administrative Rules, we believe further clarification is in order. Each statement at question 5 should have begun as follows:

A complete description is contained in the Board's Opinion of February 27, 1992 in R91-24, which Opinion is available from the address below. Section 9.1(e) of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1009.1(e)) provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM A-1

SPRINGFIELD, ILLINOIS

10:00 A.M.

MAY 12, 1992

NOTICE: It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules

509 South Sixth Street

Suite 500

Springfield, Illinois 62701

AGENDA

- I. Approval of April 7, 1992 Minutes
- II. Review of Proposed Agency Rulemaking

Abandoned Mined Lands Reclamation Council

1. Abandoned Mined Lands Reclamation (62 Ill Adm Code 2501)
 - First Notice Published: 16 Ill Reg 2719 - 2/21/92
 - Expiration of Second Notice Period: 6/8/92

Agriculture

2. Meat and Poultry Inspection Act (8 Ill Adm Code 125)
 - First Notice Published: 16 Ill Reg 1921 - 2/7/92
 - Expiration of Second Notice Period: 5/27/92
3. Standardization of Agriculture Products (8 Ill Adm Code 5)
 - First Notice Published: 16 Ill Reg 3231 - 3/6/92
 - Expiration of Second Notice Period: 6/8/92
4. Seed Arbitration (8 Ill Adm Code 235)
 - First Notice Published: 16 Ill Reg 2969 - 2/28/92
 - Expiration of Second Notice Period: 6/8/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Attorney General

5. Americans with Disabilities Act Grievance Procedures (4 Ill Adm Code 125)
-First Notice Published: 16 Ill Reg 2283 - 2/14/92
-Expiration of Second Notice Period: 6/3/92

Central Management Services

6. Americans with Disabilities Act Grievance Procedures (4 Ill Adm Code 450)
-First Notice Published: 16 Ill Reg 2292 - 2/14/92
-Expiration of Second Notice Period: 5/18/92

7. General Provisions (80 Ill Adm Code 304)
-First Notice Published: 16 Ill Reg 334 - 1/10/92
-Expiration of Second Notice Period: 5/27/92

8. Merit and Fitness (80 Ill Adm Code 302)
-First Notice Published: 16 Ill Reg 336 - 1/10/92
-Expiration of Second Notice Period: 5/27/92

9. Conditions of Employment (80 Ill Adm Code 303)
-First Notice Published: 16 Ill Reg 327 - 1/10/92
-Expiration of Second Notice Period: 5/27/92

Commerce and Community Affairs

10. Service Delivery System and State Responsibilities (56 Ill Adm Code 2600)
-First Notice Published: 15 Ill Reg 11865 - 8/23/91
-Expiration of Second Notice Period: 6/8/92

11. Training Services for the Disadvantaged (56 Ill Adm Code 2610)
-First Notice Published: 15 Ill Reg 11894 - 8/23/91
-Expiration of Second Notice Period: 6/8/92

Commerce Commission

12. Joint Rules of the ICC, OSFM and EMA: Fire Protection and Emergency Services for Telecommunication Facilities (83 Ill Adm Code 785)
-First Notice Published: 15 Ill Reg 17427 - 12/6/91
-Expiration of Second Notice Period: 5/18/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Conservation

13. Consignment of Licenses (17 Ill Adm Code 2520)
-First Notice Published: 16 Ill Reg 2297 - 2/14/92
-Expiration of Second Notice Period: 5/15/92

14. Designation of Restricted Waters in the State of Illinois (17 Ill Adm Code 2030)
-First Notice Published: 16 Ill Reg 2302 - 2/14/92
-Expiration of Second Notice Period: 5/15/92

15. Repeal of Pigeon Shooting Permits (17 Ill Adm Code 970)
-First Notice Published: 16 Ill Reg 2727 - 2/21/92
-Expiration of Second Notice Period: 5/22/92

16. Timber Harvest Fees (17 Ill Adm Code 1535)
-First Notice Published: 16 Ill Reg 2979 - 2/28/92
-Expiration of Second Notice Period: 6/3/92

17. The Forest Products Transportation Act (17 Ill Adm Code 1530)
-First Notice Published: 16 Ill Reg 2972 - 2/28/92
-Expiration of Second Notice Period: 6/3/92

Corrections

18. Volunteer Services (20 Ill Adm Code 435)
-First Notice Published: 16 Ill Reg 1941 - 2/7/92
-Expiration of Second Notice Period: 5/27/92

Developmental Finance Authority

19. Financing Program (14 Ill Adm Code 1220)
-First Notice Published: 15 Ill Reg 8747 - 6/21/91
-Expiration of Second Notice Period: 6/10/92

Education

20. Preschool Educational and Coordinated Model Preschool Educational Programs (23 Ill Adm Code 235)
-First Notice Published: 16 Ill Reg 439 - 1/10/92
-Expiration of Second Notice Period: 5/15/92

21. Determining Special Education Per Capita Tuition Charge (23 Ill Adm Code 130)
-First Notice Published: 16 Ill Reg 1439 - 1/24/92
-Expiration of Second Notice Period: 6/8/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

22. Pupil Transportation Reimbursement (23 Ill Adm Code 120)
-First Notice Published: 16 Ill Reg 1452 - 1/24/92
-Expiration of Second Notice Period: 6/8/92

Emergency Management Agency

23. Joint Rules of the ICC, OSEM and EMA: Fire Protection and Emergency Services for Telecommunication Facilities (29 Ill Adm Code 700)
-First Notice Published: 15 Ill Reg 17440 - 12/6/91
-Expiration of Second Notice Period: 5/18/92

Employment Security

24. Employment (56 Ill Adm Code 2732)
-First Notice Published: 16 Ill Reg 3248 - 3/6/92
-Expiration of Second Notice Period: 6/5/92

Environmental Protection Agency

25. Procedures to be Followed in the Performance of Annual Inspections of Motor Vehicle Exhaust Emissions (35 Ill Adm Code 276)
-First Notice Published: 15 Ill Reg 13607 - 9/20/91
-Expiration of Second Notice Period: 5/22/92

Financial Institutions

26. Americans with Disabilities Act Grievance Procedure (4 Ill Adm Code 650)
-First Notice Published: 16 Ill Reg 3253 - 3/6/92
-Expiration of Second Notice Period: 6/4/92

Health Care Cost Containment Council

27. Data Collection (77 Ill Adm Code 2510)
-First Notice Published: 15 Ill Reg 17444 - 12/6/91
-Expiration of Second Notice Period: 6/10/92

Housing Development Authority

28. Multifamily Rental Housing Mortgage Loan Program (47 Ill Adm Code 310)
-First Notice Published: 16 Ill Reg 1961 - 2/7/92
-Expiration of Second Notice Period: 5/22/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Human Rights

29. Housing Discrimination (71 Ill Adm Code 2300)
-First Notice Published: 16 Ill Reg 2310 - 2/24/92
-Expiration of Second Notice Period: 6/11/92

Joint Committee on Administrative Rules

30. Expedited Corrections (1 Ill Adm Code 245)
-First Notice Published: 16 Ill Reg 2314 - 2/14/92
-Expiration of Second Notice Period: 5/21/92

Mental Health

31. Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)
-First Notice Published: 16 Ill Reg 7 - 1/3/92
-Expiration of Second Notice Period: 6/8/92

Mines and Minerals

32. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 625)
-First Notice Published: 16 Ill Reg 2322 - 2/14/92
-Expiration of Second Notice Period: 5/20/92

Nuclear Safety

33. Accrediting Persons in the Practice of Medical Radiation Technology (32 Ill Adm Code 401)
-First Notice Published: 16 Ill Reg 1474 - 1/24/92
-Expiration of Second Notice Period: 5/25/92

34. Americans With Disabilities Act Grievance Procedure (32 Ill Adm Code 210)
-First Notice Published: 16 Ill Reg 2003 - 2/7/92
-Expiration of Second Notice Period: 5/25/92

Public Aid

35. Food Stamps (89 Ill Adm Code 121.58)
-First Notice Published: 16 Ill Reg 2420 - 2/14/92
-Expiration of Second Notice Period: 5/29/92
36. Food Stamps (89 Ill Adm Code 121.72 and 121.73)
-First Notice Published: 16 Ill Reg 2420 - 2/14/92
-Expiration of Second Notice Period: 5/29/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

37. Child Support Enforcement (89 Ill Adm Code 160)
-First Notice Published: 16 Ill Reg 2406 - 2/14/92
-Expiration of Second Notice Period: 5/29/92
38. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 15 Ill Reg 14999 - 10/18/91
-Expiration of Second Notice Period: 5/29/92
39. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 15 Ill Reg 18086 - 12/20/91
-Expiration of Second Notice Period: 5/29/92
40. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 16 Ill Reg 65 - 1/3/92
-Expiration of Second Notice Period: 6/4/92
41. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113.30)
-First Notice Published: 15 Ill Reg 18073 - 12/20/91
-Expiration of Second Notice Period: 6/8/92
42. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113.253 and 113.260)
-First Notice Published: 15 Ill Reg 18073 - 12/20/91
-Expiration of Second Notice Period: 6/8/92
43. Aid to Families with Dependent Children (89 Ill Adm Code 112)
-First Notice Published: 15 Ill Reg 17886 - 12/13/91
-Expiration of Second Notice Period: 6/8/92
44. Refugee/Entrant/Repatriate Program (89 Ill Adm Code 115)
-First Notice Published: 15 Ill Reg 17897 - 12/13/91
-Expiration of Second Notice Period: 6/8/92
45. Medical Assistance Programs (89 Ill Adm Code 120)
-First Notice Published: 15 Ill Reg 16856 - 11/22/91
-Expiration of Second Notice Period: 6/8/92
46. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 15 Ill Reg 14186 - 10/4/91
-Expiration of Second Notice Period: 6/8/92
47. Aid to Families with Dependent Children (89 Ill Adm Code 112)
-First Notice Published: 15 Ill Reg 18062 - 12/20/91
-Expiration of Second Notice Period: 6/8/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Racing Board

48. General Racing and Track Rules (11 Ill Adm Code 1314)
-First Notice Published: 16 Ill Reg 2433 - 2/14/92
-Expiration of Second Notice Period: 6/8/92
49. Pari-Mutuels (11 Ill Adm Code 405)
-First Notice Published: 16 Ill Reg 2436 - 2/14/92
-Expiration of Second Notice Period: 6/8/92

Rehabilitation Services

50. Disability Case Development Process (89 Ill Adm Code 843)
-First Notice Published: 15 Ill Reg 15405 - 10/25/91
-Expiration of Second Notice Period: 6/8/92
51. The Consultative Examination Process (89 Ill Adm Code 840)
-First Notice Published: 15 Ill Reg 15390 - 10/25/91
-Expiration of Second Notice Period: 6/8/92

Secretary of State

52. Issuance of Licenses (92 Ill Adm Code 1030)
-First Notice Published: 16 Ill Reg 2449 - 2/14/92
-Expiration of Second Notice Period: 5/29/92
53. The Illinois Library System Act (23 Ill Adm Code 3030)
-First Notice Published: 15 Ill Reg 15968 - 11/8/91
-Expiration of Second Notice Period: 6/5/92
54. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 100)
-First Notice Published: 16 Ill Reg 3444 - 3/6/92
-Expiration of Second Notice Period: 6/8/92

State Fire Marshal

55. Joint Rules of the ICC, OSFM and EMA: Fire Protection and Emergency Services for Telecommunication Facilities (41 Ill Adm Code 102)
-First Notice Published: 15 Ill Reg 17442 - 12/6/91
-Expiration of Second Notice Period: 5/18/92

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of April 22, 1992 through April 28, 1992, and have been scheduled for review by the Committee at its May 12, 1992 meeting. Other items not contained in this published list may also be considered by the Committee at its May meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/25/92	Department of Nuclear Safety, Americans With Disabilities Act Grievance Procedure (32 Ill Adm Code 210)	2/7/92 16 Ill Reg 2003	5/12/92
6/4/92	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	1/3/92 16 Ill Reg 65	5/12/92
6/5/92	Secretary of State, The Illinois Library System Act (23 Ill Adm Code 3030)	11/8/91 15 Ill Reg 15968	5/12/92
6/5/92	Department of Employment Security, Employment (56 Ill Adm Code 2732)	3/6/92 16 Ill Reg 3248	5/12/92
6/8/92	Abandoned Mined Lands Reclamation Council, Abandoned Mined Lands Reclamation (62 Ill Adm Code 2501)	2/21/92 16 Ill Reg 2719	5/12/92
6/8/92	State Board of Education, Determining Special Education Per Capita Tuition Charge (23 Ill Adm Code 130)	1/24/92 16 Ill Reg 1439	5/12/92
6/8/92	State Board of Education, Pupil Transportation Reimbursement (23 Ill Adm Code 120)	1/24/92 16 Ill Reg 1452	5/12/92
6/8/92	Department of Mental Health and Developmental Disabilities, Medicaid Community Mental Health Services Program (59 Ill Adm Code 132)	1/3/92 16 Ill Reg 7	5/12/92

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

AGENDA

Transportation

56. Dixon Municipal Airport Hazard Zoning (92 Ill Adm Code 97)
-First Notice Published: 15 Ill Reg 17907 - 12/13/91
-Expiration of Second Notice Period: 5/18/92

Veterans' Affairs

57. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 325)
-First Notice Published: 16 Ill Reg 2113 - 2/7/92
-Expiration of Second Notice Period: 5/21/92

III. Certification of No Objection to Proposed Rulemaking

IV. Review of Emergency Rulemakings

Conservation

58. Sport Fishing Regulations for the Waters of Illinois (17 Ill Adm Code 810) (Emergency)
-Notice Published: 16 Ill Reg 6016 - 4/10/92

Educational Labor Relations Board

59. Unfair Labor Practice Proceedings (80 Ill Adm Code 1120) (Emergency)
-Notice Published: 16 Ill Reg 6052 - 4/10/92

Housing Development Authority

60. Low-Income Housing Tax Credit Allocation (47 Ill Adm Code 350) (Emergency)
-Notice Published: 16 Ill. Reg. 05369 - 4/3/92

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 3)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting	Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
6/8/92	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113.30)	12/20/91 15 Ill Reg 18073	5/12/92	6/8/92	Department of Commerce and Community Affairs, Training Services for the Disadvantaged (56 Ill Adm Code 2610)	8/23/91 15 Ill Reg 11894	5/12/92
6/8/92	Department of Public Aid, Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113.253 and 113.260)	12/20/91 15 Ill Reg 18073	5/12/92	6/8/92	Department of Rehabilitation Services, Disability Case Development Process (89 Ill Adm Code 843)	10/25/91 15 Ill Reg 15405	5/12/92
6/8/92	Department of Public Aid, Aid to Families With Dependent Children (89 Ill Adm Code 112)	12/13/91 15 Ill Reg 17886	5/12/92	6/8/92	Department of Rehabilitation Services, The Consultative Examination Process (89 Ill Adm Code 840)	10/25/91 15 Ill Reg 15390	5/12/92
6/8/92	Department of Public Aid, Refugee/Entrant/Repatriate Program (89 Ill Adm Code 115)	12/13/91 15 Ill Reg 17897	5/12/92	6/8/92	Secretary of State, Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 100)	3/6/92 16 Ill Reg 3444	5/12/92
6/8/92	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	11/22/91 15 Ill Reg 16856	5/12/92	6/8/92	Department of Agriculture, Standardization of Agriculture Products (8 Ill Adm Code 5)	3/6/92 16 Ill Reg 3231	5/12/92
6/8/92	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	10/4/91 15 Ill Reg 14186	5/12/92	6/8/92	Department of Agriculture, Seed Arbitration (8 Ill Adm Code 235)	2/28/92 16 Ill Reg 2969	5/12/92
6/8/92	Department of Public Aid, Aid to Families With Dependent Children (89 Ill Adm Code 112)	12/20/91 15 Ill Reg 18062	5/12/92	6/10/92	Illinois Development Finance Authority, Financing Programs (14 Ill Adm Code 1220)	6/21/91 15 Ill Reg 8747	5/12/92
6/8/92	Illinois Racing Board, General Racing and Track Rules (11 Ill Adm Code 1314)	2/14/92 16 Ill Reg 2433	5/12/92	6/11/92	Department of Human Rights Housing Discrimination (71 Ill Adm Code 2300)	2/14/92 16 Ill Reg 2310	5/12/92
6/8/92	Illinois Racing Board, Pari-Mutuels (11 Ill Adm Code 405)	2/14/92 16 Ill Reg 2436	5/12/92				
6/8/92	Department of Commerce and Community Affairs, Service Delivery System and State Responsibilities (56 Ill Adm Code 2600)	8/23/91 15 Ill Reg 11865	5/12/92				

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
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6/8/92	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	11/22/91 15 Ill Reg 16856	5/12/92
6/8/92	Department of Public Aid, Food Stamps (89 Ill Adm Code 121)	10/4/91 15 Ill Reg 14186	5/12/92
6/8/92	Department of Public Aid, Aid to Families With Dependent Children (89 Ill Adm Code 112)	12/20/91 15 Ill Reg 18062	5/12/92
6/8/92	Illinois Racing Board, General Racing and Track Rules (11 Ill Adm Code 1314)	2/14/92 16 Ill Reg 2433	5/12/92
6/8/92	Illinois Racing Board, Pari-Mutuels (11 Ill Adm Code 405)	2/14/92 16 Ill Reg 2436	5/12/92
6/8/92	Department of Commerce and Community Affairs, Service Delivery System and State Responsibilities (56 Ill Adm Code 2600)	8/23/91 15 Ill Reg 11865	5/12/92

EXECUTIVE ORDER

92-3

USE OF SEAT BELTS IN STATE VEHICLES OR IN
PRIVATE VEHICLES BEING USED AT STATE EXPENSE

and Whereas, 1,444 persons died on Illinois highways during 1991;

Whereas, this was the lowest number since 1944, but still represents entirely too many needless tragedies; and

Whereas, safety belts are 40% - 50% effective in reducing fatal injuries and 45% - 55% effective in preventing serious injuries; and

Whereas, Illinois statutes require that all front seat occupants of motor vehicles wear safety belts; and

Whereas, employees of the State of Illinois should be considered leaders and set appropriate examples for others;

Therefore, pursuant to the authority vested in me by Article V, Section 8 of the Illinois Constitution, I hereby order the following:

All state employees, except those specifically excluded by statute, while driving a state-owned motor vehicle and those driving their personal vehicles on state business shall utilize appropriately adjusted safety belts as provided within the vehicle.

Failure to follow this state law and this order will be considered the same as not following other official requirements and may be handled as such in establishing appropriate disciplinary action.

This Executive Order Number 3 (1992), shall take effect May 7, 1992.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 22, 1992.

92-4

POSSESSION AND CONSUMPTION OF ALCOHOL OR
DRUGS IN STATE VEHICLES OR IN PRIVATE
VEHICLES BEING USED AT STATE EXPENSE

Whereas, 1,444 people were killed in highway crashes during 1991 in Illinois; and

Whereas, approximately 50 percent of all fatal motor vehicle crashes involved alcohol; and

Whereas, state employees as public servants should set an example for citizens by practicing safe driving at all times;

Therefore, pursuant to the authority vested in me by Article V, Section 8 of the Illinois Constitution, I hereby order the following:

I. POSSESSION AND CONSUMPTION OF ALCOHOL OR DRUGS IN STATE VEHICLES OR IN PRIVATE VEHICLES BEING USED AT STATE EXPENSE

A. The possession or consumption of alcoholic beverages while operating a State vehicle is prohibited. Any employee who

possesses or consumes alcohol while operating a State vehicle shall be subject to discipline, up to and including discharge. This prohibition does not apply to employees transporting alcoholic beverages in the performance of law enforcement related duties.

B. Transportation of open alcoholic beverages, or consumption of alcoholic beverages, in a private vehicle being operated at State expense is prohibited. Any employee who violates this prohibition shall be subject to discipline, up to and including discharge. This prohibition does not apply to employees transporting alcoholic beverages in the performance of law enforcement related duties.

C. The illegal possession or consumption of a drug or drugs while operating a State vehicle at State expense is prohibited. Any employee who violates this prohibition shall be subject to discipline, up to and including discharge. This prohibition does not apply to employees transporting drugs in the performance of law enforcement related duties.

D. Operating a State vehicle, or a private vehicle at State expense, while one's operating abilities are impaired by the use of alcohol, other illegal drug or drugs, or a combination thereof is prohibited. Any employee who violates this prohibition shall be subject to discipline, up to and including discharge.

E. Any employee convicted of a violation of section 11-501 of the Illinois Vehicle Code, Ill. Rev. Stat. ch. 95 1/2, par. 11-501, or section 5-16 of the Boat Registration and Safety Act, Ill. Rev. Stat. ch. 95 1/2, par. 315-11, or a violation of a similar statute or ordinance of another governmental entity, for operating a vehicle under the influence of alcohol, another drug or drugs or both, shall be discharged from employment if the violation occurred during operation of a State vehicle or operation of a private vehicle at State expense.

F. Any employee who takes a test that discloses either that the alcohol concentration in the employee's blood or breath was 0.10 or greater, or that the employee had used an unlawful drug or drugs, shall be subject to discipline, up to and including suspension from employment without benefits pending hearing or discharge from employment, if the test was administered at the direction of a law enforcement officer as a result of an arrest arising out of the employee's operation of a State vehicle or operation of a private vehicle at State expense.

G. Any employee whose driver's or operator's license is suspended pursuant to section 11-501.1 of the Illinois Vehicle Code, Ill. Rev. Stat. ch. 95 1/2, par. 11-501.1, or pursuant to a similar statute or ordinance of another governmental entity, for refusal to submit to a test or tests for the purpose of determining the content of alcohol, other drug or combination thereof in such employee's blood shall be subject to discipline, up to and including suspension from employment without benefits pending hearing or discharge from employment, if the refusal occurred in connection with the employee's arrest arising out of the operation of a State vehicle or operation of a private

vehicle at State expense.

H. Any employee whose privilege to operate a watercraft is suspended pursuant to section 5-16 of the Boat Registration and Safety Act, Ill. Rev. Stat. ch. 95 1/2, par. 315-11, or pursuant to a similar statute or ordinance of another governmental entity, for refusal to submit to a test or tests for the purpose of determining the content of alcohol, other drug or combination thereof in such employee's blood shall be subject to discipline, up to and including suspension from employment without benefits pending hearing or discharge from employment, if the refusal occurred in connection with the employee's arrest arising out of operation of a State vehicle or operation of a private vehicle at State expense.

I. Any employee arrested for a violation of section 11-501 of the Illinois Vehicle Code, Ill. Rev. Stat. ch. 95 1/2, par. 11-501, section 5-16 of the Boat Registration and Safety Act, Ill. Rev. Stat. ch. 95 1/2, par. 315-11, or a similar statute or ordinance of another governmental entity, may be suspended from employment without benefits pending hearing if the Department has a reasonable basis to believe that the alleged violation occurred during operation of a State vehicle or operation of a private vehicle at State expense.

1. Subject to subsection (b) of this paragraph, upon a finding of not guilty or the dismissal of the charges, the employee will be restored to the same or similar position classification in the agency and work location held at the time of the suspension, plus back pay and restoration of all benefits for the period of the suspension. A similar position classification shall include:

(a) the same position classification with different duties;

(b) a successor position classification; and

(c) a different position classification having related requirements and duties and the same salary or wage assignment.

2. A finding of not guilty or the dismissal of the charges shall not automatically require restoration to the same or similar position classification in the agency and the same work location if the facts giving rise to the arrest warrant discipline for violation of any other rule or condition of employment. Where the facts giving rise to the arrest warrant discipline for violation of any other rule or condition of employment, the agency shall follow its standard disciplinary procedures and impose discipline consistent with the nature of the violation of other rules or conditions of employment.

J. This policy shall be applied in a manner consistent with the applicable procedures set forth in any applicable personnel rules or collective bargaining agreement.

K. The term "vehicle", unless the context otherwise requires, means any form of motorized transportation, including but not limited to, cars, trucks, motorcycles, boats, and aircraft, or any special mobile equipment capable of, but not designed or used primarily for, the transportation of persons or property.

II. DRIVER'S LICENSES, PERMITS, AND WATERCRAFT OPERATING PRIVILEGES

A. Each employee who operates a State vehicle or a private vehicle at State expense shall have a valid driver's or operator's license, permit or watercraft operating privilege, including any endorsement, required for operation of such vehicle. The employee is to immediately notify the supervisor if his or her license, permit, privilege or endorsement becomes invalid, suspended, revoked or lost. Any such employee becomes to report the above information shall be subject to disciplinary action, up to and including discharge.

B. All supervisory personnel shall take reasonable action to assure themselves that employees have a valid driver's or operator's license, special permit or watercraft operating privilege in the correct classification, including any endorsement, for the type of vehicles they are required to operate. The supervisor shall not permit an employee to operate a State vehicle or a private vehicle at State expense without such a valid license, permit, privilege or endorsement.

C. The following policies govern suspension or revocation of an employee's driver's or operator's license, permit, watercraft operating privilege or endorsement.

1. In those instances in which an employee's driver's or operator's license, permit, watercraft operating privilege or endorsement is suspended or revoked due to conduct occurring while an employee is not operating a State vehicle or a private vehicle at State expense and where the loss of license, permit, watercraft operating privilege or endorsement will not negatively affect the performance of the employee's duties and will not increase the Department's operating costs, no disciplinary action will be taken. The first time the Department receives notice that an employee's driver's or operator's license, permit, watercraft operating privilege or endorsement has been suspended or revoked due to an alcohol or drug related incident, the employee may be referred to an Employee Assistance Program Coordinator and given the opportunity to participate in the Department's Employee Assistance Program.

2. In those instances in which an employee's driver's or operator's license, permit, watercraft operating privilege or endorsement is suspended or revoked due to conduct occurring while the employee is not operating a State vehicle or a private vehicle at State expense and where the loss of license, permit, watercraft operating privilege or endorsement will have only a minimal effect upon the performance of the employee's duties (i.e., the position description does not require the employee to frequently operate a vehicle and the employee may use another means of transportation to perform his or her duties) or upon the Department's operating costs, the employee's Bureau (Division) Chief (or his or her supervisor if the employee is at or above Bureau [Division] Chief level) will prepare an impact statement. The impact statement shall state the impact of the employee's loss of license, permit, watercraft operating privilege or

endorsement on Department operations and shall include a recommendation of whether action by the Department is appropriate and if so, shall identify the recommended action. The Bureau [Division] Chief or supervisor shall submit the impact statement to the appropriate administrator as determined by the Department. No action other than an Employee Assistance Coordinator referral shall be taken until the impact statement has been reviewed and the action is approved by the appropriate administrator as determined by the Department.

3. In those instances in which an employee's driver's or operator's license, permit, watercraft operating privilege or endorsement is suspended or revoked for the first time due to conduct occurring while an employee is not operating a State vehicle or a private vehicle at State expense, and said loss will have significant effect on the performance of the employee's duties or will increase the costs of the Department's operations, the employee shall be subject to discipline, up to and including discharge, unless the employee chooses one of the following options:

(i) The employee may opt to take an unpaid general leave of absence not greater than ninety (90) days from the date the suspension takes effect. Vacation, sick leave or personal days may not be taken during any unpaid leave of absence provided for herein, nor shall the employee accrue employment benefits during the term of the leave. If the employee obtains an appropriate license, permit, watercraft operating privilege or endorsement during the 90 day period, he or she will be allowed to return to work on the earliest appropriate date after he or she has submitted documentation to his or her Bureau [Division] Chief or supervisor demonstrating that his or her driving or operating privileges have been restored; or

(ii) The employee may opt to terminate his or her employment through resignation with no prejudice.

If an employee opts to take a general unpaid leave of absence and he or she has not obtained an acceptable driver's or operator's license, permit, endorsement or restoration of watercraft operating privilege by a date 10 working days prior to the end of his or her leave of absence, the employee shall be notified of his or her pretermination meeting in writing by certified mail. The pretermination meeting shall be scheduled ten (10) working days prior to the 90th day of the employee's leave, or as soon thereafter as possible.

If, following the pretermination meeting, the Department decides to discharge the employee, the employee shall be discharged effective the day after the leave of absence expires.

4. A second suspension or revocation of an employee's driver's or operator's license, permit, watercraft operating privilege or endorsement shall be cause for discharge in those instances in which the loss of license, permit, watercraft operating privilege or endorsement either will have a significant effect on the performance of the employee's duties or will increase the costs of the Department's operations.

5. In all other instances in which an employee's driver's or operator's license, permit, watercraft operating privilege or endorsement is suspended or revoked, the employee may be subject to discipline, up to and including discharge.

D. This policy shall be applied in a manner consistent with the applicable procedures set forth in any applicable personnel rules or collective bargaining agreement. This Executive Order Number #4 (1992), shall take effect May 7, 1992.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 22, 1992.

PROCLAMATION

92-192

ILLINOIS RIVERS APPRECIATION MONTH

Whereas, Illinois' development as a great state owes much to our rivers, their explorers, such as Marquette, Joliet, and LaSalle, and the builders of the forts and later cities along the banks of these rivers such as Massac on the Ohio, Starved Rock and Creve Coeur on the Illinois, Kaskaskia on the Mississippi, and Dearborn in Chicago; and

Whereas, Illinois communities, which originally flourished on the banks of the avenues of commerce our rivers provide, are today revitalizing their waterfronts to provide both economical and recreational opportunities while preserving important aspects of their resources and history; and

Whereas, Illinois citizens are becoming increasingly aware of the importance of our rivers as habitat for fish and other aquatic organisms, for recreation, as scenic resources, and for clean drinking water, and of the importance of the riparian corridor for soil conservation and wildlife habitat; and

Whereas, all citizens should be involved in efforts to clean our streams, practice soil conservation, protect scenic areas, and advocate recycling; and

Whereas, during June, the Illinois Environmental Protection Agency and the Department of Conservation will work together to promote such efforts; and

Whereas, the Ohio River serves as a source of drinking water and recreation, as well as a scenic river route. The Ohio River Valley Water Sanitation Commission, the Illinois Environmental Protection Agency, and the states bordering the Ohio River will conduct the Ohio River Sweep June 20 to give Illinoisans the opportunity to give something back to the Ohio River by cleaning up its banks and helping to improve its scenery;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1992 as ILLINOIS RIVERS APPRECIATION MONTH to increase public awareness of the importance of our rivers as resources vital to our state.

Issued by the Governor April 14, 1992.

Filed with the Secretary of State April 23, 1992.

92-193

BETTER HEARING AND SPEECH MONTH

Whereas, communicative disorders such as hearing loss, speech impairments, and related language deficiencies constitute our nation's number one disability, affecting 1.1 million people in Illinois and 24 million people nationally; and

Whereas, most people with such disorders can be helped through medical treatment, surgery, hearing aids, or appropriate therapy; and

Whereas, the first step toward obtaining help is knowing it is available; and

Whereas, the leading national and regional organizations concerned with hearing, speech, and language problems have joined together to promote public awareness through an extensive annual effort; and

Whereas, such an effort will encourage and stimulate early detection of communicative disorders, proper prevention and treatment, and greater public understanding of hearing, speech, and language impairments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1992 as BETTER HEARING AND SPEECH MONTH in Illinois.

Issued by the Governor April 15, 1992.
Filed with the Secretary of State April 23, 1992.

92-194

GAMMA PHI CIRCUS WEEK

Whereas, founded in 1929, Gamma Phi Circus is currently celebrating its 63rd year of instruction and entertainment in central Illinois; and

Whereas, the Gamma Phi Circus is the oldest and largest collegiate circus in the United States; and

Whereas, each year the circus performs in several school assemblies and fundraisers, and charity, civic, and community events throughout Illinois; and

Whereas, the Gamma Phi Circus will present its 56th annual show April 20-25, 1992, continuing the dedication of the performers and the true art of making people smile;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 20-25, 1992, as GAMMA PHI CIRCUS WEEK in Illinois.

Issued by the Governor April 15, 1992.
Filed with the Secretary of State April 23, 1992.

92-195

INDUSTRY APPRECIATION DAY

Whereas, the Illinois Manufacturers' Association (IMA) is the oldest and largest manufacturing trade association in the United States, having a current membership of more than 8,000 executives representing 4,800 companies and plants in Illinois; and

Whereas, IMA members employ 75 percent of the state's manufacturing work force or more than 800,000 Illinois citizens; and

Whereas, Illinois has become a dynamic business state because of the products its manufacturers make; and

Whereas, economists agree that for every 100 new manufacturing jobs, at least 64 additional jobs are created in a community. This translates to seven wholesale and retail establishments; and

Whereas, during its Industry Appreciation Day April 28, the IMA will promote jobs for Illinois; and

Whereas, this day-long, information-packed conference will give IMA members and guests the opportunity to impress upon legislators the importance of a healthy, vibrant, and strong business climate in the state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 28, 1992, as INDUSTRY APPRECIATION DAY in Illinois in recognition of the contributions the manufacturing industry has made to our state.

Issued by the Governor April 15, 1992.
Filed with the Secretary of State April 23, 1992.

92-196

POLISH INDEPENDENCE DAY

Whereas, the May 3, 1791, constitution in Poland was the first liberal constitution in Europe, and it was conceived at a time when most of Europe lived under the existence of unconditional power and oppression by the totalitarian rule of Prussia and Russia; and

Whereas, the constitution established three independent branches of government and throughout the constitution runs a philosophy of liberty to all people, rule by the majority, and religious freedom; and

Whereas, May 3 is a national holiday for Poles and their descendants because it bestows the priceless heritage of humanitarianism, tolerance, and a democratic precept;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3, 1992, as POLISH INDEPENDENCE DAY in Illinois and urge citizens to recognize the significance of this observance.

Issued by the Governor April 15, 1992.
Filed with the Secretary of State April 23, 1992.

92-197

PROFESSIONAL SECRETARIES WEEK/
PROFESSIONAL SECRETARIES DAY

Whereas, professional secretaries contribute to our state's economic climate; and

Whereas, professional secretaries in business, education, and government ensure work-force productivity in Illinois; and

Whereas, the professionalism and leadership of these secretaries enhance commerce in our state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 19-25, 1992, as PROFESSIONAL SECRETARIES WEEK and April 22, 1992, as PROFESSIONAL SECRETARIES DAY in Illinois in recognition of these hard-working individuals and the contributions they make to the business community.

Issued by the Governor April 15, 1992.

Filed with the Secretary of State April 23, 1992.

92-198

ST. STEPHEN AFRICAN METHODIST EPISCOPAL CHURCH DAY

Whereas, the St. Stephen African Methodist Episcopal Church was founded in 1872 by west side resident Malinda C. Porter to serve the spiritual and social needs of her neighbors; and

Whereas, St. Stephen is the third oldest African Methodist Episcopal Church in Chicago; and

Whereas, the church has a large, active congregation, with more than 2,000 members, five choirs and choral groups, two usher boards, two administrative boards, a number of church clubs and auxiliaries, and a seven-person ministerial staff; and

Whereas, Reverend Albert D. Tyson III has served as a pastor for the African Methodist Episcopal Church for 20 years, including six years at St. Stephen; and

Whereas, under Reverend Tyson's direction, St. Stephen African Methodist Episcopal Church has shown its dedication to its community by providing a wide range of services, including offering programs on drug trafficking, youth parenthood, and school dropouts, as well as providing youth lunches, youth Christian educational classes, and communitywide food distribution; and

Whereas, to celebrate the 120th birthday of the African Methodist Episcopal Church and Reverend Tyson's 20th year of service to the institution, a special banquet will be held April 25, 1992, in Chicago;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25, 1992, as ST. STEPHEN AFRICAN METHODIST EPISCOPAL CHURCH DAY in Illinois and give special recognition to Reverend Albert D. Tyson III.

Issued by the Governor April 15, 1992.

Filed with the Secretary of State April 23, 1992.

92-199

CINCO DE MAYO DAY

Whereas, the spirit of unity between the United States of America and the United States of Mexico is enhanced by more clearly understanding and appreciating their respective struggles for freedom; and

Whereas, Mexico celebrates the Cinco de Mayo (Fifth of May), recalling its struggle for freedom from France in its noted Batalla de Puebla on May 5, 1862, led by General Ignacio Zaragoza, a Mexican-American born in Texas; and

Whereas, from the time of the Revolutionary War through today, thousands of Hispanics, including Mexicans, have participated in the United States' struggle for independence; and

Whereas, the ninth annual Cinco De Mayo Banquet will be held Saturday, May 2, 1992, at the Chicago Athletic Association.

Several scholarships will be presented to Hispanic students enrolled in high school and university ROTC programs;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 5, 1992, as CINCO DE MAYO DAY in Illinois.

Issued by the Governor April 16, 1992.

Filed with the Secretary of State April 23, 1992.

92-200

CRIME VICTIM RIGHTS WEEK

Whereas, despite a recent decline in the number of serious crimes committed in Illinois, more than 94,000 crimes are committed each day in our nation, affecting more than 34 million Americans each year; and

Whereas, the victims and survivors of those crimes face physical injury, emotional trauma, and financial loss, both at the hands of the criminal and in the aftermath of criminal violation; and

Whereas, family members and friends of victims and survivors of crime also suffer from the trauma of victimization; and

Whereas, the fear of crime causes millions to alter their lifestyles and inhabits their freedom of movement; and

Whereas, it is only just that crime victims receive help and compensation for their suffering; and

Whereas, Illinois has established a Bill of Rights for victims and witnesses of violent crime and has initiated programs to provide services to victims;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 26-May 2, 1992, as CRIME VICTIM RIGHTS WEEK in Illinois.

Issued by the Governor April 16, 1992.

Filed with the Secretary of State April 23, 1992.

92-201

WOMEN'S MENTORSHIP DAY

Whereas, there are more than 19 million small businesses in the United States, and the number of women-owned small businesses has grown to more than 4 million; and

Whereas, women are starting businesses at twice the rate of their male counterparts, and women represent 34 percent of all self-employed individuals; and

Whereas, nonfarm, female-owned sole proprietorships represent 30 percent of all such businesses and generate more than \$70 billion in receipts; and

Whereas, women have increased their share of business ownership in each industry division, with the highest rates of growth occurring in industry sectors where women are relatively newcomers, particularly in mining, construction and manufacturing; and

Whereas, women small business owners contribute to the overall growth and success of the greater Illinois business community; and

Whereas, by the year 2000 one-half of all self-employed individuals are expected to be women; and

Whereas, women business owners can support the emerging population of women entrepreneurs by offering them mentorship; and

Whereas, the Women's Business Development Center Program of Kankakee and the Illinois Department of Commerce and Community Affairs have designated April 29, 1992, as "Women's Mentorship Day;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 29, 1992, as WOMEN'S MENTORSHIP DAY in Illinois.

Issued by the Governor April 16, 1992.

Filed with the Secretary of State April 23, 1992.

92-202

YEAR OF THE NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

Whereas, Illinois joined the National Conference of Commissioners on Uniform State Laws in 1893 and passed its first uniform law in 1907; and

Whereas, the uniform law movement is one of the strengths of state government in a federal system of government; and

Whereas, Uniform Law Commissioners serve the state without compensation, donating their time and expertise for the benefit of the commonweal; and

Whereas, 1992 marks the 100th year of the National Conference of Commissioners on Uniform State Laws has played a role in state lawmaking;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim 1992 as YEAR OF THE NATIONAL CONFERENCE OF COMMISSIONERS

ILLINOIS REGISTER

ON UNIFORM STATE LAWS in recognition of the services the commissioners unselfishly provide to our state, and in turn, our citizens.

Issued by the Governor April 20, 1992.

Filed with the Secretary of State April 23, 1992.

92-203

DRINKING WATER WEEK

Whereas, an abundant supply of safe, high-quality water is as essential to the economic growth and productivity of our state as it is to our health, comfort, and standard of living; and

Whereas, the American Water Works Association, which represents more than 45,000 members, wishes to focus public attention on the services and goals of the water supply industry through Drinking Water Week; and

Whereas, through its dedication to advanced knowledge of design, operation, and management of water utilities, the association strives to continue providing better water for everyone--when and where they need it;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-9, 1992, as DRINKING WATER WEEK in Illinois and encourage our citizens to broaden their understanding of the goals and services of the water utilities in our state.

Issued by the Governor April 21, 1992.

Filed with the Secretary of State April 23, 1992.

92-204

NURSES WEEK

Whereas, two million registered nurses in this country represent our nation's largest health care resource and take great strides to provide high-quality, accessible, cost-effective care for all Americans; and

Whereas, the demand for nursing services is greater than ever, due to an aging America, the ability to sustain life through increased technology, changes in the settings where health care is delivered, changes in health care financing, and changing health care needs of today's consumers; and

Whereas, during the next decade, there is a projected need of 60,000 additional nurses; and

Whereas, the American Nurses Association and the Illinois Nurses Association have declared May 3-9 as National Nurses Week, with the theme "Nurses: Shaping the Future of Health Care" to celebrate nurses' efforts to provide high-quality patient care and improve our health care system;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-9, 1992, as NURSES WEEK in Illinois to show appreciation for the dedication these individuals have shown in their efforts to provide quality health care for our citizens.

Issued by the Governor April 21, 1992.
Filed with the Secretary of State April 23, 1992.

92-205

START TALKING WEEK

Whereas, the Parents Too Soon initiative was created in 1983 to deter both teenage pregnancy and the negative repercussions of adolescent childbearing and parenting; and

Whereas, a 1988 statewide public opinion poll disclosed a serious information gap between teens and their parents; and

Whereas, parent-teen communication leads to a reduction in the risk of adolescent pregnancy;

Whereas, "Start Talking" is a three-year-old, statewide public awareness campaign sponsored by the Parents Too Soon initiative and aims at encouraging parents and teens to discuss the critical issues facing teens today; and

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 26-May 2, 1992, as START TALKING WEEK in Illinois, and urge parents and teens to strengthen the lines of communication between them.

Issued by the Governor April 21, 1992.

Filed with the Secretary of State April 23, 1992.

92-206

YMCA VOLUNTEER RECOGNITION DAY

Whereas, the Young Men's Christian Association (YMCA) is an international movement with more than 140 years of history rich in volunteer service and volunteer impact; and

Whereas, currently in the United States, many thousands of men, women and children are involved as YMCA volunteers serving in various capacities; and

Whereas, these volunteers include members of boards and committees, program instructors and program aides, clerical support, maintenance support, and youth sports league coaches and officials; and

Whereas, these people are making a positive difference in their communities and are enhancing the lives of the people served by the YMCA; and

Whereas, the states of Missouri and Illinois will officially recognize YMCA volunteers at an awards banquet May 7 at the Holiday Inn Conference Center in St. Louis, Missouri;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7, 1992, as YMCA VOLUNTEER RECOGNITION DAY in Illinois in honor of the many volunteers who so generously donate their time to this worthwhile organization.

Issued by the Governor April 21, 1992.

Filed with the Secretary of State April 23, 1992.

92-207

BOY SCOUT TROOP 3 DAY

Whereas, Boy Scout Troop 3 was initially chartered in 1916; and

Whereas, the troop was disbanded during the Depression years but was rechartered in 1942 and has endured to become the second oldest troop in its district; and

Whereas, through the years, Douglas Avenue United Methodist Church of Springfield has served as a devoted sponsor for the troop; and

Whereas, Boy Scout Troop 3 has had 29 scoutmasters and is distinguished with 40 Eagle Scouts; and

Whereas, Harold Bennett earned the ranking of Eagle Scout in 1927 and continues to be an active troop member; and

Whereas, Boy Scout Troop 3 membership spans three generations, and some families have had more than one Eagle Scout member; and

Whereas, on Saturday, April 25, 1992, Boy Scout Troop 3 is celebrating its 50th anniversary by holding a special dinner and ceremony to recognize the troop's Eagle Scouts, past and present;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 25, 1992, as BOY SCOUT TROOP 3 DAY in Illinois, in honor of the troop's 50th anniversary. I also give special recognition to Douglas Avenue United Methodist Church for the dedication it has shown in sponsoring this group of fine individuals.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 23, 1992.

92-208

DAY OF PRAYER

"To pray together, in whatever tongue or ritual, is the most tender brotherhood of hope and sympathy that men can contact in this life." Madame De Stael, Corrine, Book X

Whereas, the observance of a National Day of Prayer has a long history in the United States, beginning with the Continental Congress in 1775, highlighted by an eloquent proclamation from Abraham Lincoln in 1863, and continuing now in the 40th consecutive observance since 1952; and

Whereas, the National Prayer Committee hopes the National Day of Prayer will be a vehicle for advancing moral and spiritual values throughout the land and a means of serving the people;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 7, 1992, as DAY OF PRAYER in Illinois, in conjunction with the national observance.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 23, 1992.

92-209

EARTH STEWARDSHIP WEEK

Whereas, natural resources--soil, water, air, plants, and animals--are the basic ingredients of the environment; and

Whereas, natural resources serve as the foundation for a variety of industries, including agriculture and forestry, and add billions of dollars to our state's economy each year; and

Whereas, responsible stewardship makes it possible to sustain and renew the use of natural resources over time and enhances the quality of life for all Illinoisans; and

Whereas, students should be educated on the importance of earth stewardship, in order to sustain our natural resources;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 19-25, 1992, as EARTH STEWARDSHIP WEEK in Illinois, to emphasize the need for natural resource stewardship education and awareness in our state.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 23, 1992.

92-210

EARTHQUAKE PREPAREDNESS WEEK

Whereas, earthquakes strike suddenly, without warning and can destroy lives and property; and

Whereas, several active earthquake faults run through Illinois, and the southernmost portion of the state is at risk for a major earthquake in the New Madrid fault; and

Whereas, since 1980, 27 earthquakes were epicentered in Illinois, and in June 1987, a quake measuring 5.0 was centered near Lawrenceville; and

Whereas, the Illinois Emergency Management Agency has worked for individual preparedness and family protection, as well as neighborhood preparedness through the Neighborhood Watch Program and other civic groups;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27-May 1, 1992, as EARTHQUAKE PREPAREDNESS WEEK in Illinois. I strongly urge all Illinois residents to become familiar with the hazards of earthquakes and to develop earthquake preparedness plans to minimize damages, injuries, and deaths attributed to earthquakes.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 23, 1992.

92-211

KEEP AMERICA BEAUTIFUL MONTH

WHEREAS, the State of Illinois is rich in natural resources and beauty; and

Whereas, every citizen should contribute to keeping the

Illinois environment clean and healthful and should work with others to preserve clean air, fresh water, and the natural beauty of our surroundings; and

Whereas, Keep America Beautiful, Inc., the national, nonprofit public education organization responsible for involving individuals in community improvement, originated the Keep America Beautiful Month to focus attention on the efforts of concerned Americans;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 1992 as KEEP AMERICA BEAUTIFUL MONTH in Illinois. I ask all citizens from businesses, civic groups, government agencies, and other organizations to work together to preserve the natural beauty of our state not only during the observance, but throughout the year.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 23, 1992.

92-212

MANUFACTURED HOUSING MONTH

Whereas, housing affordability is a major concern for all citizens of our state; and

Whereas, innovative construction methods, attractive financing, and a desire for quality housing increase the demand for manufactured homes; and

Whereas, manufactured housing offers a safe, attractive, and affordable avenue to home ownership for many Illinois residents;

and Whereas, the Illinois Manufactured Housing Association strives to focus the attention of our citizens on innovative land planning, product technology, community development, and consumer awareness;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1992 as MANUFACTURED HOUSING MONTH in Illinois and encourage the progress of innovative housing concepts for the benefit and comfort of our citizens.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 23, 1992.

92-213

MUSIC WEEK

Whereas, music is a vital part of the culture of every civilized nation, and the people of the United States are proving themselves to be great music-producing and music-loving citizens;

and Whereas, the pursuit of music, whether it be through study, composing, listening, performing, or participating, provides enriching experiences; and

Whereas, National Music Week has been observed annually for

the past 69 years; and

Whereas, through National Music Week, the National Federation of Music Clubs provides an opportunity for the organized musical forces of the country, as well as religious and educational and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-10, 1992, as MUSIC WEEK in Illinois.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 23, 1992.

92-214

PUBLIC HEALTH WEEK

Whereas, the improvement of the health status of our citizens depends on health programs and services which emphasize the prevention of disease, disability, and dependence; and

Whereas, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal and environmental health while advancing the science of public health through organized activities in the areas of education, research, and health policy developments; and

Whereas, state-recognized local health departments are committed to the prevention of illness and injury and the promotion of health among all residents of Illinois, with special responsibility to those who are most vulnerable; and

Whereas, the observation of Illinois Public Health Week is a cooperative effort between the Illinois Public Health Association and state-recognized local health departments to promote wellness and the benefits of preventive behavior among our citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10-16, 1992, as PUBLIC HEALTH WEEK in Illinois and urge citizens to take part in the events planned for the observance.

Issued by the Governor April 22, 1992.

Filed with the Secretary of State April 23, 1992.

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JCAR - Joint Committee on Administrative Rules	
ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

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TYPE OF RULEMAKING

am = amendment to existing Section
 cc = codification changes
 n = new Section
 r = repeal of existing Section
 re = recodified
 # = renumbered

ACTION CODES

A = Adopted rule
 C = Correction
 CC = Codification Changes
 E = Emergency rule
 F = Failure to Remedy
 M = Modification
 O = JCAR Objection
 P = Proposed rule
 PF = Prohibited filing
 PP = Peremptory rule
 R = Refusal to Modify
 S = Suspend rule
 W = Withdrawal of

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245.100	n	(P-2314)	n	400.60	n	(P-5133)	r
245.110	n	(P-2314)	n	400.70	n	(P-5133)	am
245.120	n	(P-2314)	n	450.10	n	(P-2292)	am
245.130	n	(P-2314)	n	450.20	n	(P-2292)	am
245.104	n	(P-2314)	n	450.30	n	(P-2292)	am
245.Ex.A	n	(P-2314)	n	450.40	n	(P-2292)	am
245.Ex.A	n	(P-2314)	n	450.50	n	(P-2292)	am
				450.60	n	(P-2292)	am
				450.70	n	(P-2292)	am
				475.10	n	(P-3707)	am
				475.15	n	(P-3707)	am
				475.17	n	(P-3707)	am
				475.20	n	(P-3707)	am
				475.30	n	(P-3707)	am
				475.40	n	(P-3707)	am
				475.50	n	(P-3707)	am
				500.1	n	(P-2721)	am
				500.2	n	(P-2721)	am
				500.3	n	(P-2721)	am
				500.4	n	(P-2721)	n
				500.5	n	(P-2721)	n
				500.6	n	(P-2721)	am
				500.7	n	(P-2721)	am
				550.10	n	(P-5097)	am
				550.20	n	(P-5097)	am
				550.30	n	(P-5097)	n
				550.40	n	(P-5097)	am
				550.50	n	(P-5097)	am
				550.60	n	(P-5097)	am
				550.70	n	(P-5097)	am
				575.10	n	(P-7083)	am
				575.20	n	(P-7083)	am
				575.30	n	(P-7083)	am
				575.40	n	(P-7083)	am
				575.50	n	(P-7083)	am
				575.60	n	(P-7083)	am
				600.10	n	(P-5569)	am
				600.20	n	(P-5569)	am
				600.30	n	(P-5569)	am
				600.40	n	(P-5569)	am
				600.50	n	(P-5569)	am
				600.60	n	(P-5569)	am
				600.70	n	(P-5569)	am
				650.10	n	(P-3253)	am
				650.20	n	(P-3253)	am
				650.30	n	(P-3253)	am
				650.40	n	(P-3253)	n
				650.50	n	(P-3253)	n
				650.60	n	(P-3253)	am
				650.70	n	(P-3253)	am

TITLE 11
405.90

(P-2436)

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422.10	am	509.210	am
422.70	am	509.220	am
422.90	am	509.230	am
422.100	am	509.240	r
422.110	am	509.250	r
435.20	am	509.260	r
436.05	n	509.265	r
436.10	r	509.270	am
436.20	am	1305.120	r
436.30	r	1305.130	r
436.40	r	1305.140	am
436.50	r	1314.10	r
436.60	am	1318.180	n
436.70	am	1318.190	n
436.80	r	1424.100	r
436.90	r	1424.105	r
436.100	am	1424.170	am
436.110	am	1424.250	am
436.120	r	1705.10	n
436.140	r	1705.20	n
440.40	am	1705.30	n
440.50	am	1705.40	n
440.60	am	1705.50	n
440.120	am	1705.60	n
440.160	n	1705.70	n
450.10	n	TITLE 14	
502.30	am	130.110	am
509.10	am	170.10	am
509.20	am	170.11	am
509.30	am	170.12	am
509.40	am	170.13	am
509.50	am	170.14	am
509.60	am	170.17	am
509.70	am	170.20	am
509.75	am	170.30	n
509.80	am	175.10	am
509.90	am	520.900	am
509.95	n	520.930	am
509.100	am	520.1100	n
509.110	am	520.1110	n
509.130	r	520.1120	n
509.140	am	520.1130	n
509.150	am	520.1140	n
509.160	am	526.10	n
509.170	am	526.20	n
509.175	r	526.30	n
509.190	am	526.40	n
509.195	r	526.50	n

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415.60	n	(P-1263; A-7486)	509.200
422.10	am	(P-6742)	509.210
422.70	am	(P-6742)	509.220
422.90	am	(P-6742)	509.230
422.100	am	(P-6742)	509.240
422.110	am	(P-6742)	509.250
435.20	am	(P-6747)	509.260
436.05	n	(P-15655/91; A-4520)	509.265
436.10	r	(P-15655/91; A-4520)	509.270
436.20	am	(P-15655/91; A-4520)	1305.120
436.30	r	(P-15655/91; A-4520)	1305.130
436.40	r	(P-15655/91; A-4520)	1305.140
436.50	r	(P-15655/91; A-4520)	1314.10
436.60	am	(P-15655/91; A-4520)	1318.180
436.70	am	(P-15655/91; A-4520)	1318.190
436.80	r	(P-15655/91; A-4520)	1424.100
436.90	r	(P-15655/91; A-4520)	1424.105
436.100	am	(P-15655/91; A-4520)	1424.170
436.110	am	(P-15655/91; A-4520)	1424.250
436.120	r	(P-15655/91; A-4520)	1705.10
436.130	am	(P-15655/91; A-4520)	1705.20
436.140	r	(P-15655/91; A-4520)	1705.30
440.40	am	(P-6755)	1705.40
440.50	am	(P-6755)	1705.50
440.60	am	(P-6755)	1705.60
440.120	am	(P-6755)	1705.70
440.160	n	(P-6755)	
450.10	n	(P-2292)	
502.30	am	(P-6751)	130.110
509.10	am	(P-6955)	170.10
509.20	am	(P-6955)	170.11
509.30	am	(P-6955)	170.12
509.40	am	(P-6955)	170.13
509.50	am	(P-6955)	170.14
509.60	am	(P-6955)	170.17
509.70	am	(P-6955)	170.20
509.80	am	(P-6955)	170.30
509.90	am	(P-6955)	175.10
509.95	n	(P-6955)	520.900
509.100	am	(P-6955)	520.930
509.110	am	(P-6955)	520.1100
509.130	r	(P-6955)	520.1110
509.140	am	(P-6955)	520.1120
509.150	am	(P-6955)	520.1130
509.160	am	(P-6955)	520.1140
509.170	am	(P-6955)	526.10
509.175	r	(P-6955)	526.20
509.190	am	(P-6955)	526.30
509.195	r	(P-6955)	526.40
			526.50

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880.20	n	(P-13603/91; A-109)	3010.80	am	(P-14794/91; A-1806)
880.30	n	(P-13603/91; A-109)	3020.20	am	(P-14820/91; A-1833)
880.40	n	(P-13603/91; A-109)	3020.40	am	(P-14820/91; A-1833)
880.50	n	(P-13603/91; A-109)	3020.50	am	(P-14820/91; A-1833)
880.10	n	(P-17811/91; A-5262)	3020.70	am	(P-14820/91; A-1833)
880.20	n	(P-17811/91; A-5262)	3020.80	am	(P-14820/91; A-1833)
880.30	n	(P-17811/91; A-5262)	3030.30	am	(P-14807/91; A-1816)
880.40	n	(P-17811/91; A-5262)	3030.50	am	(P-14807/91; A-1816)
880.50	n	(P-17811/91; A-5262)	3030.60	am	(P-14807/91; A-1816)
890.20	am	(P-5429)	3035.40	am	(P-14783/91; A-1797)
890.30	am	(P-5433)	3035.70	am	(P-14783/91; A-1797)
890.40	am	(P-2727)	4170.100	n	(P-5576)
890.50	am	(P-2727)	4170.110	n	(P-5576)
900.20	am	(P-2727)	4170.120	n	(P-5576)
900.30	am	(P-2727)	4170.130	n	(P-5576)
900.40	am	(P-2727)	4170.200	n	(P-5576)
900.50	am	(P-2727)	4170.250	n	(P-5576)
910.20	am	(P-2727)	4170.300	n	(P-5576)
910.30	am	(P-13594/91; A-103)	4170.400	n	(P-5576)
910.40	am	(P-2972)	4170.500	n	(P-5576)
910.50	am	(P-2972)	4170.550	n	(P-5576)
910.60	am	(P-2972)	4170.600	n	(P-5576)
910.70	am	(P-2972)	4170.700	n	(P-5576)
910.80	am	(P-2972)	4170.800	n	(P-5576)
910.90	am	(P-2979)			
911.00	am	(P-2979)			
911.10	am	(P-2979)			
911.20	am	(P-2979)			
911.30	am	(P-2979)			
911.40	am	(P-2979)			
911.50	am	(P-2979)			
911.60	am	(P-2979)			
911.70	am	(P-2979)			
911.80	am	(P-2979)			
911.90	am	(P-2979)			
912.00	am	(P-2979)			
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912.70	am	(P-2979)			
912.80	am	(P-2979)			
912.90	am	(P-2979)			
913.00	am	(P-2979)			
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913.70	am	(P-2979)			
913.80	am	(P-2979)			
913.90	am	(P-2979)			
914.00	am	(P-2979)			
914.10	am	(P-2979)			
914.20	am	(P-2979)			
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914.50	am	(P-2979)			
914.60	am	(P-2979)			
914.70	am	(P-2979)			
914.80	am	(P-2979)			
914.90	am	(P-2979)			
915.00	am	(P-2979)			
915.10	am	(P-2979)			
915.20	am	(P-2979)			
915.30	am	(P-2979)			
915.40	am	(P-2979)			
915.50	am	(P-2979)			
915.60	am	(P-2979)			
915.70	am	(P-2979)			
915.80	am	(P-2979)			
915.90	am	(P-2979)			
916.00	am	(P-2979)			
916.10	am	(P-2979)			
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917.10	am	(P-2979)			
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917.60	am	(P-2979)			
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917.80	am	(P-2979)			
917.90	am	(P-2979)			
918.00	am	(P-2979)			
918.10	am	(P-2979)			
918.20	am	(P-2979)			
918.30	am	(P-2979)			
918.40	am	(P-2979)			
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918.60	am	(P-2979)			
918.70	am	(P-2979)			
918.80	am	(P-2979)			
918.90	am	(P-2979)			
919.00	am	(P-2979)			
919.10	am	(P-2979)			
919.20	am	(P-2979)			
919.30	am	(P-2979)			
919.40	am	(P-2979)			
919.50	am	(P-2979)			
919.60	am	(P-2979)			
919.70	am	(P-2979)			
919.80	am	(P-2979)			
919.90	am	(P-2979)			
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920.10	am	(P-2979)			
920.20	am	(P-2979)			
920.30	am	(P-2979)			
920.40	am	(P-2979)			
920.50	am	(P-2979)			
920.60	am	(P-2979)			
920.70	am	(P-2979)			
920.80	am	(P-2979)			
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921.10	am	(P-2979)			
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921.30	am	(P-2979)			
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921.60	am	(P-2979)			
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921.80	am	(P-2979)			
921.90	am	(P-2979)			
922.00	am	(P-2979)			
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922.20	am	(P-2979)			
922.30	am	(P-2979)			
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922.70	am	(P-2979)			
922.80	am	(P-2979)			
922.90	am	(P-2979)			
923.00	am	(P-2979)			
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923.60	am	(P-2979)			
923.70	am	(P-2979)			
923.80	am	(P-2979)			
923.90	am	(P-2979)			
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925.80	am	(P-2979)			
925.90	am	(P-2979)			
926.00	am	(P-2979)			
926.10	am	(P-2979)			
926.20	am	(P-2979)			
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926.70	am	(P-2979)			
926.80	am	(P-2979)			
926.90	am	(P-2979)			
927.00	am	(P-2979)			
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927.90	am	(P-2979)			
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928.80	am	(P-2979)			
928.90	am	(P-2979)			
929.00	am	(P-2979)			
929.10	am	(P-2979)			
929.20	am	(P-2979)			
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929.70	am	(P-2979)			
929.80	am	(P-2979)			
929.90	am	(P-2979)			
930.00	am	(P-2979)			
930.10	am	(P-2979)			
930.20	am	(P-2979)			
930.30	am	(P-2979)			
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930.80	am	(P-2979)			
930.90	am	(P-2979)			
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931.80	am	(P-2979)			
931.90	am	(P-2979)			
932.00	am	(P-2979)			
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932.20	am	(P-2979)			
932.30	am	(P-2979)			
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932.60	am	(P-2979)			
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932.80	am	(P-2979)			
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933.00	am	(P-2979)			
933.10	am	(P-2979)			
933.20	am	(P-2979)			
933.30	am	(P-2979)			
933.40	am	(P-2979)			
933.50	am	(P-2979)			
933.60	am	(P-2979)			
933.70	am	(P-2979)			
933.80	am	(P-2979)			
933.90	am	(P-2979)			
934.00	am	(P-2979)			
934.10	am	(P-2979)			
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244.107	am	(P-22)	360.602	am	(P-15202/91; A-5891)
244.121	am	(P-22)	365.103	am	(P-3745)
244.161	am	(P-22)	365.104	am	(P-3745)
244.162	am	(P-22)	365.203	am	(P-3745)
244.163	am	(P-22)	365.304	am	(P-3745)
244.166	am	(P-22)	365.401	am	(P-3745)
244.167	am	(P-22)	365.402	am	(P-3745)
244.168	am	(P-22)	365.403	am	(P-3745)
244.169	am	(P-22)	365.404	am	(P-3745)
244.243	am	(P-22)	365.405	am	(P-3745)
303.203	am	(P-22)	365.503	am	(P-3745)
		(P-17026/91; W-7511)	365.602	am	(P-3745)
		(P-7302)	365.603	am	(P-3745)
307.1101	am	(P-17523/91; A-7377)	365.604	am	(P-3745)
307.2400	am	(P-17523/91; A-7377)	365.803	n	(P-3745)
307.2401	am	(P-17523/91; A-7377)	365.903	am	(P-3745)
307.2402	am	(P-17523/91; A-7377)	365.1101	am	(P-3745)
307.2403	am	(P-17523/91; A-7377)	601.105	am	(P-9829/91; O-17792/91)
307.2404	am	(P-17523/91; A-7377)			R-1713; A-1585)
307.2405	am	(P-17523/91; A-7377)	611.101	am	(P-5582)
307.2406	am	(P-17523/91; A-7377)	611.102	am	(P-5582)
307.2407	am	(P-17523/91; A-7377)	611.110	am	(P-5582)
307.2490	am	(P-17523/91; A-7377)	611.111	am	(P-5582)
307.3100	am	(P-17523/91; A-7377)	611.112	am	(P-5582)
307.3109	am	(P-17523/91; A-7377)	611.295	n	(P-5582)
307.3115	am	(P-17523/91; A-7377)	611.296	n	(P-5582)
307.3119	am	(P-17523/91; A-7377)	611.300	am	(P-5582)
307.3120	am	(P-17523/91; A-7377)	611.301	n	(P-5582)
307.3124	am	(P-17523/91; A-7377)	611.310	am	(P-5582)
307.3129	am	(P-17523/91; A-7377)	611.311	am	(P-5582)
309.103	am	(P-17471/91; A-7339)	611.526	am	(P-5582)
310.103	am	(P-17481/91; A-7346)	611.591	#	(P-5582)
310.105	am	(P-17481/91; A-7346)	611.592	#	(P-5582)
310.107	am	(P-17481/91; A-7346)	611.600	n	(P-5582)
310.110	am	(P-17481/91; A-7346)	611.601	am	(P-5582)
310.201	am	(P-17481/91; A-7346)	611.602	#	(P-5582)
310.202	am	(P-17481/91; A-7346)	611.602	n	(P-5582)
310.210	am	(P-17481/91; A-7346)	611.603	#	(P-5582)
310.220	am	(P-17481/91; A-7346)	611.603	n	(P-5582)
310.221	am	(P-17481/91; A-7346)	611.604	n	(P-5582)
310.222	am	(P-17481/91; A-7346)	611.605	n	(P-5582)
310.230	am	(P-17481/91; A-7346)	611.606	am	(P-5582)
310.232	am	(P-17481/91; A-7346)	611.607	am	(P-5582)
310.233	am	(P-17481/91; A-7346)	611.608	n	(P-5582)
310.330	am	(P-17481/91; A-7346)	611.609	n	(P-5582)
310.510	am	(P-17481/91; A-7346)	611.610	#	(P-5582)
310.611	am	(P-17481/91; A-7346)	611.610	n	(P-5582)
310.613	am	(P-17481/91; A-7346)	611.611	n	(P-5582)
310.633	am	(P-17481/91; A-7346)	611.630	#	(P-5582)

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TITLE 35 (CONT'D)			TITLE 35 (CONT'D)		
615.501	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.203	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.502	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.204	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.601	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.205	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.602	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.206	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.603	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.207	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.604	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.208	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.621	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.209	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.622	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.210	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.623	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.211	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.624	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.301	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.701	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.302	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.702	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.303	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.703	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.304	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.704	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.305	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.705	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.306	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.721	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.307	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.722	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.401	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.723	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.402	n	(P-9836/91; O-17793/91; R-1723; A-1592)
615.724	n	(P-10303/91; O-17791/91; R-1702; A-1538)	616.421	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.101	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.422	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.102	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.423	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.104	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.424	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.105	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.425	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.201	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.441	n	(P-9836/91; O-17793/91; R-1723; A-1592)
616.202	n	(P-9836/91; O-17793/91; R-1723; A-1592)	616.442	n	(P-9836/91; O-17793/91; R-1723; A-1592)

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726.132	r	(P-1148)	728.Tb.C	am	(P-916)
726.133	r	(P-1148)	728.Tb.D	am	(P-916)
726.134	r	(P-1148)	728.Tb.E	am	(P-916)
726.135	r	(P-1148)	731.110	am	(P-2330; A-7407)
726.140	am	(P-1148)	731.111	r	(P-2330; A-7407)
726.200	n	(P-1148)	731.112	am	(P-2330; A-7407)
726.201	n	(P-1148)	731.113	am	(P-2330; A-7407)
726.202	n	(P-1148)	731.114	r	(P-2330; A-7407)
726.203	n	(P-1148)	731.120	r	(P-2330; A-7407)
726.204	n	(P-1148)	731.121	r	(P-2330; A-7407)
726.205	n	(P-1148)	731.122	am	(P-2330; A-7407)
726.206	n	(P-1148)	731.130	r	(P-2330; A-7407)
726.207	n	(P-1148)	731.131	r	(P-2330; A-7407)
726.208	n	(P-1148)	731.132	r	(P-2330; A-7407)
726.209	n	(P-1148)	731.133	r	(P-2330; A-7407)
726.210	n	(P-1148)	731.134	r	(P-2330; A-7407)
726.211	n	(P-1148)	731.140	r	(P-2330; A-7407)
726.212	n	(P-1148)	731.141	r	(P-2330; A-7407)
726.219	n	(P-1148)	731.142	r	(P-2330; A-7407)
726.Ap.A	n	(P-1148)	731.143	r	(P-2330; A-7407)
726.Ap.B	n	(P-1148)	731.144	r	(P-2330; A-7407)
726.Ap.C	n	(P-1148)	731.145	r	(P-2330; A-7407)
726.Ap.D	n	(P-1148)	731.150	r	(P-2330; A-7407)
726.Ap.E	n	(P-1148)	731.151	r	(P-2330; A-7407)
726.Ap.F	n	(P-1148)	731.152	r	(P-2330; A-7407)
726.Ap.G	n	(P-1148)	731.153	r	(P-2330; A-7407)
726.Ap.H	n	(P-1148)	731.161	am	(P-2330; A-7407)
726.Ap.I	n	(P-1148)	731.162	am	(P-2330; A-7407)
726.Ap.J	n	(P-1148)	731.170	r	(P-2330; A-7407)
726.Ap.K	n	(P-1148)	731.171	r	(P-2330; A-7407)
726.Ap.L	n	(P-1148)	731.172	r	(P-2330; A-7407)
726.Tb.A	n	(P-1148)	731.173	r	(P-2330; A-7407)
728.107	am	(P-916)	731.174	r	(P-2330; A-7407)
728.109	am	(P-916)	731.190	r	(P-2330; A-7407)
728.110	n	(P-916)	731.191	r	(P-2330; A-7407)
728.111	n	(P-916)	731.192	r	(P-2330; A-7407)
728.112	n	(P-916)	731.193	r	(P-2330; A-7407)
728.113	am	(P-916)	731.194	r	(P-2330; A-7407)
728.135	am	(P-916)	731.195	r	(P-2330; A-7407)
728.140	am	(P-916)	731.196	r	(P-2330; A-7407)
728.142	am	(P-916)	731.197	r	(P-2330; A-7407)
728.Ap.D	am	(P-916)	731.198	r	(P-2330; A-7407)
728.Ap.E	am	(P-916)	731.199	r	(P-2330; A-7407)
728.Ap.F	am	(P-916)	731.200	r	(P-2330; A-7407)
728.Ap.G	am	(P-916)	731.202	r	(P-2330; A-7407)
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731.207	r	(P-2330; A-7407)	880.301	n	(P-6127)
731.208	r	(P-2330; A-7407)	1420.101	n	(P-17016/91; A-2594)
731.209	r	(P-2330; A-7407)	1420.102	n	(P-17016/91; A-2594)
731.210	r	(P-2330; A-7407)			
731.211	r	(P-2330; A-7407)			
731.Ap.A	am	(P-2330; A-7407)			
731.Ap.C	n	(P-2330; A-7407)			
809.901	r	(P-13017/91; A-130)			
809.902	r	(P-13017/91; A-130)			
809.903	r	(P-13017/91; A-130)			
809.904	r	(P-13017/91; A-130)			
809.905	r	(P-13017/91; A-130)			
809.906	r	(P-13017/91; A-130)			
848.101	am	(P-13004/91; A-3114)			
848.202	am	(P-13004/91; A-3114)			
848.205	am	(P-13004/91; A-3114)			
848.206	n	(P-13004/91; A-3114)			
848.207	n	(P-13004/91; A-3114)			
848.208	n	(P-13004/91; A-3114)			
849.101	r	(P-13265/91; A-2880)			
849.102	r	(P-13265/91; A-2880)			
849.103	r	(P-13265/91; A-2880)			
849.104	r	(P-13265/91; A-2880)			
849.105	r	(P-13265/91; A-2880)			
849.106	r	(P-13265/91; A-2880)			
858.207	am	(P-4621)			
859.101	n	(P-8348/91; A-6995)			
859.102	n	(P-8348/91; A-6995)			
859.103	n	(P-8348/91; A-6995)			
859.201	n	(P-8348/91; A-6995)			
859.202	n	(P-8348/91; A-6995)			
859.203	n	(P-8348/91; A-6995)			
859.204	n	(P-8348/91; A-6995)			
859.205	n	(P-8348/91; A-6995)			
859.301	n	(P-8348/91; A-6995)			
859.302	n	(P-8348/91; A-6995)			
859.303	n	(P-8348/91; A-6995)			
880.100	n	(P-6127)			
880.101	n	(P-6127)			
880.102	n	(P-6127)			
880.103	n	(P-6127)			
880.104	n	(P-6127)			
880.105	n	(P-6127)			
880.106	n	(P-6127)			
880.200	n	(P-6127)			
880.201	n	(P-6127)			
880.202	n	(P-6127)			
880.203	n	(P-6127)			
880.300	n	(P-6127)			

TITLE 38

200.100	n	(P-7250)
200.110	n	(P-7250)
200.155	n	(P-7250)
200.160	n	(P-7250)
200.165	n	(P-7250)
200.200	n	(P-7250)
200.205	n	(P-7250)
200.210	n	(P-7250)
200.215	n	(P-7250)
200.220	n	(P-7250)
200.221	n	(P-7250)
200.225	n	(P-7250)
200.230	n	(P-7250)
200.235	n	(P-7250)
200.240	n	(P-7250)
200.245	n	(P-7250)
200.250	n	(P-7250)
200.270	n	(P-7250)
200.280	n	(P-7250)
200.290	n	(P-7250)
200.310	n	(P-7250)
200.320	n	(P-7250)
200.400	n	(P-7250)
200.402	n	(P-7250)
200.404	n	(P-7250)
200.406	n	(P-7250)
200.408	n	(P-7250)
200.410	n	(P-7250)
200.412	n	(P-7250)
200.414	n	(P-7250)
200.416	n	(P-7250)
200.418	n	(P-7250)
200.420	n	(P-7250)
200.422	n	(P-7250)
200.424	n	(P-7250)
200.426	n	(P-7250)
200.428	n	(P-7250)
200.430	n	(P-7250)
200.432	n	(P-7250)
200.434	n	(P-7250)
200.436	n	(P-7250)
200.438	n	(P-7250)
200.440	n	(P-7250)
200.442	n	(P-7250)
200.444	n	(P-7250)
200.446	n	(P-7250)

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200.450	n	270.20	n
200.452	n	270.30	n
307.10	n	270.40	n
307.20	n	270.50	n
354.10	n	270.60	n
354.20	n	270.70	n
400.130	am	270.80	n
400.141	am		
400.142	am		
450.440	am		
450.1010	am		
450.1250	am		
450.1335	am		
450.1340	am		
1075.120	am		
TITLE 41		TITLE 47	
120.10	am	100.10	am
120.900	am	100.20	am
120.1000	am	100.30	am
120.1010	n	100.40	am
120.1020	n	100.50	am
120.1030	n	100.85	am
120.1040	n	100.103	am
120.1041	n	100.105	am
120.1100	am	100.106	am
120.1200	am	100.111	am
120.1280	am	100.115	am
120.1300	am	100.120	am
120.1310	am	100.125	am
120.1320	am	100.130	am
120.1330	am	100.135	am
120.1340	am	100.140	am
120.1350	am	100.145	am
120.1360	am	100.150	am
120.1370	am	100.155	am
120.1380	am	100.160	am
120.1390	am	100.165	am
120.1400	am	100.170	am
120.1410	am	100.175	am
120.1420	am	100.180	am
120.1430	am	100.185	am
120.1440	am	100.190	am
120.1450	am	100.195	am
120.1460	am	100.200	am
120.1470	am	100.205	am
120.1480	am	100.210	am
120.1490	am	100.215	am
120.1500	am	100.220	am
120.1510	am	100.225	am
120.1520	am	100.230	am
120.1530	am	100.235	am
120.1540	am	100.240	am
120.1550	am	100.245	am
120.1560	am	100.250	am
120.1570	am	100.255	am
120.1580	am	100.260	am
120.1590	am	100.265	am
120.1600	am	100.270	am
120.1610	am	100.275	am
120.1620	am	100.280	am
120.1630	am	100.285	am
120.1640	am	100.290	am
120.1650	am	100.295	am
120.1660	am	100.300	am
120.1670	am	100.305	am
120.1680	am	100.310	am
120.1690	am	100.315	am
120.1700	am	100.320	am
120.1710	am	100.325	am
120.1720	am	100.330	am
120.1730	am	100.335	am
120.1740	am	100.340	am
120.1750	am	100.345	am
120.1760	am	100.350	am
120.1770	am	100.355	am
120.1780	am	100.360	am
120.1790	am	100.365	am
120.1800	am	100.370	am
120.1810	am	100.375	am
120.1820	am	100.380	am
120.1830	am	100.385	am
120.1840	am	100.390	am
120.1850	am	100.395	am
120.1860	am	100.400	am
120.1870	am	100.405	am
120.1880	am	100.410	am
120.1890	am	100.415	am
120.1900	am	100.420	am
120.1910	am	100.425	am
120.1920	am	100.430	am
120.1930	am	100.435	am
120.1940	am	100.440	am
120.1950	am	100.445	am
120.1960	am	100.450	am
120.1970	am	100.455	am
120.1980	am	100.460	am
120.1990	am	100.465	am
120.2000	am	100.470	am
120.2010	am	100.475	am
120.2020	am	100.480	am
120.2030	am	100.485	am
120.2040	am	100.490	am
120.2050	am	100.495	am
120.2060	am	100.500	am
120.2070	am	100.505	am
120.2080	am	100.510	am
120.2090	am	100.515	am
120.2100	am	100.520	am
120.2110	am	100.525	am
120.2120	am	100.530	am
120.2130	am	100.535	am
120.2140	am	100.540	am
120.2150	am	100.545	am
120.2160	am	100.550	am
120.2170	am	100.555	am
120.2180	am	100.560	am
120.2190	am	100.565	am
120.2200	am	100.570	am
120.2210	am	100.575	am
120.2220	am	100.580	am
120.2230	am	100.585	am
120.2240	am	100.590	am
120.2250	am	100.595	am
120.2260	am	100.600	am
120.2270	am	100.605	am
120.2280	am	100.610	am
120.2290	am	100.615	am
120.2300	am	100.620	am
120.2310	am	100.625	am
120.2320	am	100.630	am
120.2330	am	100.635	am
120.2340	am	100.640	am
120.2350	am	100.645	am
120.2360	am	100.650	am
120.2370	am	100.655	am
120.2380	am	100.660	am
120.2390	am	100.665	am
120.2400	am	100.670	am
120.2410	am	100.675	am
120.2420	am	100.680	am
120.2430	am	100.685	am
120.2440	am	100.690	am
120.2450	am	100.695	am
120.2460	am	100.700	am
120.2470	am	100.705	am
120.2480	am	100.710	am
120.2490	am	100.715	am
120.2500	am	100.720	am
120.2510	am	100.725	am
120.2520	am	100.730	am
120.2530	am	100.735	am
120.2540	am	100.740	am
120.2550	am	100.745	am
120.2560	am	100.750	am
120.2570	am	100.755	am
120.2580	am	100.760	am
120.2590	am	100.765	am
120.2600	am	100.770	am
120.2610	am	100.775	am
120.2620	am	100.780	am
120.2630	am	100.785	am
120.2640	am	100.790	am
120.2650	am	100.795	am
120.2660	am	100.800	am
120.2670	am	100.805	am
120.2680	am	100.810	am
120.2690	am	100.815	am
120.2700	am	100.820	am
120.2710	am	100.825	am
120.2720	am	100.830	am
120.2730	am	100.835	am
120.2740	am	100.840	am
120.2750	am	100.845	am
120.2760	am	100.850	am
120.2770	am	100.855	am
120.2780	am	100.860	am
120.2790	am	100.865	am
120.2800	am	100.870	am
120.2810	am	100.875	am
120.2820	am	100.880	am
120.2830	am	100.885	am
120.2840	am	100.890	am
120.2850	am	100.895	am
120.2860	am	100.900	am
120.2870	am	100.905	am
120.2880	am	100.910	am
120.2890	am	100.915	am
120.2900	am	100.920	am
120.2910	am	100.925	am
120.2920	am	100.930	am
120.2930	am	100.935	am
120.2940	am	100.940	am
120.2950	am	100.945	am
120.2960	am	100.950	am
120.2970	am	100.955	am
120.2980	am	100.960	am
120.2990	am	100.965	am
120.3000	am	100.970	am
120.3010	am	100.975	am
120.3020	am	100.980	am
120.3030	am	100.985	am
120.3040	am	100.990	am
120.3050	am	100.995	am
120.3060	am	101.000	am
120.3070	am	101.005	am
120.3080	am	101.010	am
120.3090	am	101.015	am
120.3100	am	101.020	am
120.3110	am	101.025	am
120.3120	am	101.030	am
120.3130	am	101.035	am
120.3140	am	101.040	am
120.3150	am	101.045	am
120.3160	am	101.050	am
120.3170	am	101.055	am
120.3180	am	101.060	am
120.3190	am	101.065	am
120.3200	am	101.070	am
120.3210	am	101.075	am
120.3220	am	101.080	am
120.3230	am	101.085	am
120.3240	am	101.090	am
120.3250	am	101.095	am
120.3260	am	101.100	am
120.3270	am	101.105	am
120.3280	am	101.110	am
120.3290	am	101.115	am
120.3300	am	101.120	am
120.3310	am	101.125	am
120.3320	am	101.130	am
120.3330	am	101.135	am
120.3340	am	101.140	am
120.3350	am	101.145	am
120.3360	am	101.150	am
120.3370	am	101.155	am
120.3380	am	101.160	am
120.3390	am	101.165	am
120.3400	am	101.170	am
120.3410	am	101.175	am
120.3420	am	101.180	am
120.3430	am	101.185	am
120.3440	am	101.190	am
120.3450	am	101.195	am
120.3460	am	101.200	am
120.3470	am	101.205	am
120.3480	am	101.210	am
120.3490	am	101.215	am
120.3500	am	101.220	am
120.3510	am	101.225	am
120.3520	am	101.230	am
120.3530	am	101.235	am
120.3540	am	101.240	am
120.3550	am	101.245	am
120.3560	am	101.250	am
120.3570	am	101.255	am
120.3580	am	101.260	am
120.3590	am	101.265	am
120.3600	am	101.270	am
120.3610	am	101.275	am
120.3620	am	101.280	am
120.3630	am	101.285	am
120.3640	am	101.290	am
120.3650	am	101.295	am
120.3660	am	101.300	am
120.3670	am	101.305	am
120.3680	am	101.310	am
120.3690	am	101.315	am
120.3700	am	101.320	am
120.3710	am	101.325	am
120.3720	am	101.330	am
120.3730	am	101.335	am
120.3740	am	101.340	am
120.3750	am	101.345	am
120.3760	am	101.350	am
120.3770	am	101.355	am
120.3780	am	101.360	am
120.3790	am	101.365	am
120.3800	am	101.370	am
120.3810	am	101.375	am
120.3820	am	101.380	am
120.3830	am	101.385	am
120.3840	am	101.390	am
120.3850	am	101.395	am
120.3860	am	101.400	am
120.3870	am	101.405	am
120.3880	am	101.410	am

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2620.20	r	115.320	am
2620.30	r	119.260	am
2620.40	r	120.70	am
2620.50	r	125.70	am
2620.60	r	130.110	am
2620.70	r	132.10	am
2620.80	r	132.15	n
2620.90	r	132.20	n
2620.100	r	132.25	n
2625.55	am	132.30	n
2630.82	am	132.35	n
		132.40	n
2630.83	am	132.45	n
2720.1	am	132.50	n
2720.5	am	132.55	n
2720.7	n	132.60	n
2720.10	am	132.65	n
2720.108	n	132.70	n
2720.130	am	132.75	n
2720.215	n	132.80	n
2720.240	am	132.85	n
2720.315	am	132.90	n
2725.100	am	132.95	n
2725.105	am	133.00	n
2725.115	am	133.10	n
2725.225	am	133.15	n
2725.245	am	133.20	n
2732.203	n	133.25	n
2732.220	n	133.30	n
2732.305	n	133.35	n
2760.110	am	133.40	n
2760.120	am	133.45	n
2760.125	am	133.50	n
2760.130	am	133.55	n
2760.145	am	133.60	n
2760.150	am	133.65	n
2765.45	am	133.70	n
2765.55	am	133.75	n
2765.60	am	133.80	n
2770.110	am	133.85	n
5400.110	am	133.90	n
5400.210	am	133.95	n
5400.310	am	134.00	n
6000.50	am	134.05	n
		134.10	n
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		140.95	n
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		143.80	n
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		143.90	n
		143.95	n
		144.00	n
		144.05	n
		144.10	n
		144.15	n
		144.20	n
		144.25	n
		144.30	n
		144.35	n
		144.40	n
		144.45	n
		144.50	n
		144.55	n
		144.60	n
		144.65	n
		144.70	n
		144.75	n
		144.80	n
		144.85	n
		144.90	n
		144.95	n
		145.00	n
		145.05	n
		145.10	n
		145.15	n
		145.20	n
		145.25	n
		145.30	n
		145.35	n
		145.40	n
		145.45	n
		145.50	n
		145.55	n
		145.60	n
		145.65	n
		145.70	n
		145.75	n
		145.80	n
		145.85	n
		145.90	n
		145.95	n
		146.00	n
		146.05	n
		146.10	n
		146.15	n
		146.20	n
		146.25	n
		146.30	n
		146.35	n
		146.40	n
		146.45	n
		146.50	n
		146.55	n
		146.60	n
		146.65	n
		146.70	n
		146.75	n
		146.80	n
		146.85	n
		146.90	n
		146.95	n
		147.00	n
		147.05	n
		147.10	n
		147.15	n
		147.20	n
		147.25	n
		147.30	n
		147.35	n
		147.40	n
		147.45	n
		147.50	n
		147.55	n
		147.60	n
		147.65	n
		147.70	n
		147.75	n
		147.80	n
		147.85	n
		147.90	n
		147.95	n
		148.00	n
		148.05	n
		148.10	n
		148.15	n
		148.20	n
		148.25	n
		148.30	n
		148.35	n
		148.40	n
		148.45	n
		148.50	n
		148.55	n
		148.60	n
		148.65	n
		148.70	n
		148.75	n
		148.80	n
		148.85	n
		148.90	n
		148.95	n
		149.00	n
		149.05	n
		149.10	n
		149.15	n
		149.20	n
		149.25	n
		149.30	n
		149.35	n
		149.40	n
		149.45	n
		149.50	n
		149.55	n
		149.60	n
		149.65	n
		149.70	n
		149.75	n
		149.80	n
		149.85	n
		149.90	n
		149.95	n
		150.00	n
		150.05	n
		150.10	n
		150.15	n
		150.20	n
		150.25	n
		150.30	n
		150.35	n
		150.40	n
		150.45	n
		150.50	n
		150.55	n
		150.60	n
		150.65	n
		150.70	n
		150.75	n
		150.80	n
		150.85	n
		150.90	n
		150.95	n
		151.00	n
		151.05	n
		151.10	n
		151.15	n
		151.20	n
		151.25	n
		151.30	n

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790.40	am	(P-15943/91; A-5941; C-7512)	790.1685	am	(P-4782) (E-4899)
790.480	am	(P-4782) (E-4899)	790.1700	am	(P-4782) (E-4899)
790.500	am	(P-4782) (E-4899)	790.1710	am	(P-4782) (E-4899)
790.540	am	(P-4782) (E-4899)	790.1740	am	(P-4782) (E-4899)
790.548	am	(P-4782) (E-4899)	790.1820	n	(P-4782) (E-4899)
790.580	am	(P-4782) (E-4899)	790.1830	am	(P-4782) (E-4899)
790.600	am	(P-15943/91; A-5941; C-7512) (P-4782)	790.1860	am	(P-4782) (E-4899)
		(E-4899)	790.1950	am	(P-15943/91; A-5941; C-7512) (P-4782)
790.620	am	(P-4782) (E-4899)	790.1980	am	(P-4782) (E-4899)
790.660	am	(P-4782) (E-4899)	790.2020	am	(P-4782) (E-4899)
790.700	am	(P-4782) (E-4899)	790.2097	am	(P-4782) (E-4899)
790.706	am	(P-4782) (E-4899)	790.2100	am	(P-4782) (E-4899)
790.721	am	(P-4782) (E-4899)	790.2140	am	(P-4782) (E-4899)
790.740	am	(P-4782) (E-4899)	790.2155	am	(P-4782) (E-4899)
790.760	am	(P-4782) (E-4899)	790.2180	am	(P-4782) (E-4899)
790.780	am	(P-4782) (E-4899)	790.2260	am	(P-4782) (E-4899)
790.788	am	(P-4782) (E-4899)	790.2380	am	(P-4782) (E-4899)
790.799	am	(P-15943/91; A-5941; C-7512) (P-4782)	790.2390	am	(P-4782) (E-4899)
		(E-4899)	790.2460	am	(P-4782) (E-4899)
790.820	am	(P-4782) (E-4899)	790.2462	am	(P-4782) (E-4899)
790.830	am	(P-4782) (E-4899)	790.2470	am	(P-4782) (E-4899)
790.860	am	(P-4782) (E-4899)	790.2485	am	(P-15943/91; A-5941; C-7512)
790.900	am	(P-4782) (E-4899)	790.2500	am	(P-4782) (E-4899)
790.910	am	(P-4782) (E-4899)	790.2510	am	(P-4782) (E-4899)
790.920	am	(P-15943/91; A-5941; C-7512)	790.2540	am	(P-4782) (E-4899)
		(P-4782) (E-4899)	790.2580	am	(P-15943/91; A-5941; C-7512)
790.980	am	(P-4782) (E-4899)			
790.1060	am	(P-4782) (E-4899)	790.2603	am	(P-15943/91; A-5941; C-7512)
790.1112	am	(P-4782) (E-4899)			
790.1120	am	(P-4782) (E-4899)	790.2605	am	(P-4782) (E-4899)
790.1140	am	(P-4782) (E-4899)	790.2613	am	(P-15943/91; A-5941; C-7512) (P-4782)
790.1300	am	(P-4782) (E-4899)			
790.1345	am	(P-15943/91; A-5941; C-7512) (P-4782)	790.2617	am	(P-4782) (E-4899)
790.1350	am	(E-4899)	790.2618	am	(P-4782) (E-4899)
		(P-4782) (E-4899)	790.2620	am	(P-4782) (E-4899)
790.1388	n	(P-4782) (E-4899)	790.2661	am	(P-4782) (E-4899)
		(P-15943/91; A-5941; C-7512)	790.2780	am	(P-4782) (E-4899)
		(P-4782) (E-4899)	790.2805	am	(P-15943/91; A-5941; C-7512)
790.1420	am	(P-4782) (E-4899)			
790.1460	am	(P-4782) (E-4899)	790.2900	am	(P-4782) (E-4899)
790.1490	am	(P-4782) (E-4899)	790.2902	am	(P-4782) (E-4899)
790.1500	am	(P-4782) (E-4899)	790.2904	am	(P-4782) (E-4899)
790.1540	am	(P-4782) (E-4899)	790.2980	am	(P-4782) (E-4899)
790.1560	am	(P-4782) (E-4899)	790.3021	am	(P-4782) (E-4899)
790.1570	am	(P-4782) (E-4899)	790.3027	am	(P-15943/91; A-5941)
790.1660	am	(P-4782) (E-4899)	790.3029	am	(P-4782) (E-4899)

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790.3049	am	(P-4782) (E-4899)	790.4670	am	(P-4782) (E-4899)
790.3054	am	(P-4782) (E-4899)	790.4680	am	(P-4782) (E-4899)
790.3085	am	(P-4782) (E-4899)	790.4700	am	(P-4782) (E-4899)
790.3100	am	(P-4782) (E-4899)	790.4720	am	(P-4782) (E-4899)
790.3260	am	(P-4782) (E-4899)	790.4740	am	(P-4782) (E-4899)
790.3300	am	(P-4782) (E-4899)	790.4780	am	(P-4782) (E-4899)
790.3308	am	(P-4782) (E-4899)	790.4840	am	(P-4782) (E-4899)
790.3315	am	(P-4782) (E-4899)	790.4860	am	(P-4782) (E-4899)
790.3340	am	(P-4782) (E-4899)	790.4900	am	(P-4782) (E-4899)
790.3420	am	(P-4782) (E-4899)	790.4965	am	(P-4782) (E-4899)
790.3437	am	(P-4782) (E-4899)	790.4980	am	(P-4782) (E-4899)
790.3472	am	(P-4782) (E-4899)	790.5060	am	(P-4782) (E-4899)
790.3480	n	(P-4782) (E-4899)	790.5100	am	(P-4782) (E-4899)
790.3492	am	(P-4782) (E-4899)	790.5140	am	(P-4782) (E-4899)
790.3495	n	(P-4782) (E-4899)	790.5180	am	(P-4782) (E-4899)
790.3540	am	(P-4782) (E-4899)			(P-15943/91; A-5941; C-7512)
790.3620	am	(P-4782) (E-4899)	790.5220	am	(P-4782) (E-4899)
790.3700	am	(P-4782) (E-4899)	790.5300	am	(P-4782) (E-4899)
790.3742	am	(P-4782) (E-4899)	790.5312	am	(P-4782) (E-4899)
790.3780	am	(P-4782) (E-4899)			(P-15843/91; A-5941; C-7512)
790.3860	am	(P-4782) (E-4899)	790.5320	am	(P-15943/91; A-5941; C-7512)
790.3875	n	(P-4782) (E-4899)			
790.3907	am	(P-4782) (E-4899)	790.5380	am	(P-4782) (E-4899)
790.3910	am	(P-4782) (E-4899)			(P-15943/91; A-5941; C-7512)
790.3940	am	(P-4782) (E-4899)	790.5420	am	(P-4782) (E-4899)
790.3945	am	(P-4782) (E-4899)	790.5483	am	(P-4782) (E-4899)
790.3980	am	(P-4782) (E-4899)	790.5500	am	(P-4782) (E-4899)
790.3996	am	(P-4782) (E-4899)	790.5520	am	(P-4782) (E-4899)
790.4012	am	(P-4782) (E-4899)	790.5540	am	(P-4782) (E-4899)
790.4040	am	(P-4782) (E-4899)	790.5544	am	(P-4782) (E-4899)
		(P-15943/91; A-5941; C-7512)	790.5620	am	(P-4782) (E-4899)
			790.5640	am	(P-4782) (E-4899)
790.4060	am	(P-4782) (E-4899)	790.5700	am	(P-4782) (E-4899)
790.4100	am	(P-4782) (E-4899)	790.5740	am	(P-4782) (E-4899)
790.4140	am	(P-4782) (E-4899)	790.5788	n	(P-4782) (E-4899)
790.4173	am	(P-4782) (E-4899)	790.5792	am	(P-4782) (E-4899)
790.4180	am	(P-4782) (E-4899)	790.5802	am	(P-4782) (E-4899)
790.4220	am	(P-4782) (E-4899)	790.5807	am	(P-4782) (E-4899)
790.4260	am	(P-4782) (E-4899)	790.5820	am	(P-4782) (E-4899)
790.4300	am	(P-4782) (E-4899)	790.5830	am	(P-4782) (E-4899)
790.4385	am	(P-4782) (E-4899)	790.5872	am	(P-4782) (E-4899)
790.4386	am	(P-4782) (E-4899)	790.5900	am	(P-4782) (E-4899)
790.4396	am	(P-4782) (E-4899)	790.5940	am	(P-4782) (E-4899)
790.4398	am	(P-4782) (E-4899)	790.5980	am	(P-4782) (E-4899)
790.4420	am	(P-4782) (E-4899)	790.6020	r	(P-4782) (E-4899)
790.4580	am	(P-4782) (E-4899)	790.6140	am	(P-4782) (E-4899)
790.4620	am	(P-4782) (E-4899)	790.6180	am	(P-4782) (E-4899)
790.4660	am	(P-4782) (E-4899)	790.6260	am	(P-4782) (E-4899)

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2030.320	r	(P-9153/91; A-2530)	2030.850	n	(P-9083/91; A-2457)
2030.320	n	(P-9083/91; A-2457)	2030.910	r	(P-9153/91; A-2530)
2030.330	r	(P-9153/91; A-2530)	2030.910	n	(P-9083/91; A-2457)
2030.330	n	(P-9083/91; A-2457)	2030.920	r	(P-9153/91; A-2530)
2030.340	r	(P-9153/91; A-2530)	2030.930	r	(P-9153/91; A-2530)
2030.340	n	(P-9083/91; A-2457)	2030.940	r	(P-9153/91; A-2530)
2030.350	r	(P-9153/91; A-2530)	2030.950	r	(P-9153/91; A-2530)
2030.350	n	(P-9083/91; A-2457)	2030.960	r	(P-9153/91; A-2530)
2030.360	r	(P-9153/91; A-2530)	2030.970	r	(P-9153/91; A-2530)
2030.360	n	(P-9083/91; A-2457)	2030.980	r	(P-9153/91; A-2530)
2030.410	r	(P-9153/91; A-2530)	2030.1010	r	(P-9153/91; A-2530)
2030.410	n	(P-9083/91; A-2457)	2030.1010	n	(P-9083/91; A-2457)
2030.420	r	(P-9153/91; A-2530)	2030.1020	r	(P-9153/91; A-2530)
2030.420	n	(P-9083/91; A-2457)	2030.1020	n	(P-9083/91; A-2457)
2030.430	r	(P-9153/91; A-2530)	2030.1030	r	(P-9153/91; A-2530)
2030.430	n	(P-9083/91; A-2457)	2030.1030	n	(P-9083/91; A-2457)
2030.440	r	(P-9153/91; A-2530)	2030.1040	r	(P-9153/91; A-2530)
2030.440	n	(P-9083/91; A-2457)	2030.1040	n	(P-9083/91; A-2457)
2030.450	r	(P-9153/91; A-2530)	2030.1050	r	(P-9153/91; A-2530)
2030.450	n	(P-9083/91; A-2457)	2030.1050	n	(P-9083/91; A-2457)
2030.510	r	(P-9153/91; A-2530)	2030.1060	n	(P-9083/91; A-2457)
2030.510	n	(P-9083/91; A-2457)	2030.1070	n	(P-9083/91; A-2457)
2030.520	r	(P-9153/91; A-2530)	2030.1080	n	(P-9083/91; A-2457)
2030.520	n	(P-9083/91; A-2457)	2030.1090	n	(P-9083/91; A-2457)
2030.530	r	(P-9153/91; A-2530)	2030.1110	r	(P-9153/91; A-2530)
2030.530	n	(P-9083/91; A-2457)	2030.1110	n	(P-9083/91; A-2457)
2030.540	r	(P-9153/91; A-2530)	2030.1120	r	(P-9153/91; A-2530)
2030.540	n	(P-9083/91; A-2457)	2030.1120	n	(P-9083/91; A-2457)
2030.610	r	(P-9153/91; A-2530)	2030.1130	n	(P-9153/91; A-2530)
2030.610	n	(P-9083/91; A-2457)	2030.1130	n	(P-9083/91; A-2457)
2030.620	r	(P-9153/91; A-2530)	2030.1140	n	(P-9153/91; A-2530)
2030.620	n	(P-9083/91; A-2457)	2030.1140	n	(P-9083/91; A-2457)
2030.630	r	(P-9153/91; A-2530)	2030.1150	n	(P-9153/91; A-2530)
2030.630	n	(P-9083/91; A-2457)	2030.1150	n	(P-9083/91; A-2457)
2030.640	r	(P-9153/91; A-2530)	2030.1160	n	(P-9153/91; A-2530)
2030.640	n	(P-9083/91; A-2457)	2030.1205	n	(P-9083/91; A-2457)
2030.710	r	(P-9153/91; A-2530)	2030.1210	r	(P-9153/91; A-2530)
2030.710	n	(P-9083/91; A-2457)	2030.1210	n	(P-9083/91; A-2457)
2030.720	r	(P-9153/91; A-2530)	2030.1215	n	(P-9153/91; A-2530)
2030.720	n	(P-9083/91; A-2457)	2030.1215	n	(P-9083/91; A-2457)
2030.730	r	(P-9153/91; A-2530)	2030.1220	n	(P-9153/91; A-2530)
2030.730	n	(P-9083/91; A-2457)	2030.1220	n	(P-9083/91; A-2457)
2030.740	r	(P-9153/91; A-2530)	2030.1225	r	(P-9153/91; A-2530)
2030.740	n	(P-9083/91; A-2457)	2030.1225	n	(P-9083/91; A-2457)
2030.750	r	(P-9153/91; A-2530)	2030.1230	r	(P-9153/91; A-2530)
2030.750	n	(P-9083/91; A-2457)	2030.1230	n	(P-9083/91; A-2457)
2030.760	r	(P-9153/91; A-2530)	2030.1240	n	(P-9153/91; A-2530)
2030.760	n	(P-9083/91; A-2457)	2030.1245	n	(P-9153/91; A-2530)
2030.810	r	(P-9153/91; A-2530)	2030.1250	r	(P-9153/91; A-2530)
2030.810	n	(P-9083/91; A-2457)	2030.1250	n	(P-9083/91; A-2457)
2030.820	r	(P-9153/91; A-2530)	2030.1255	n	(P-9153/91; A-2530)
2030.820	n	(P-9083/91; A-2457)	2030.1260	r	(P-9153/91; A-2530)
2030.830	r	(P-9153/91; A-2530)	2030.1265	n	(P-9153/91; A-2530)
2030.830	n	(P-9083/91; A-2457)	2030.1270	n	(P-9153/91; A-2530)

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2030.1310	r	(P-9153/91; A-2530)	2056.525	am	(P-4567)
2030.1310	n	(P-9083/91; A-2457)	2056.600	am	(P-4567)
2030.1320	r	(P-9153/91; A-2530)	2056.601	n	(P-4567)
2030.1320	n	(P-9083/91; A-2457)	2056.603	n	(P-4567)
2030.1330	r	(P-9153/91; A-2530)	2056.605	am	(P-4567)
2030.1330	n	(P-9083/91; A-2457)	2056.607	n	(P-4567)
2030.1340	r	(P-9153/91; A-2530)	2056.610	am	(P-4567)
2030.1350	r	(P-9153/91; A-2530)	2056.615	r	(P-4567)
2031.10	r	(P-9149/91; A-2455)	2056.620	n	(P-4567)
2032.10	r	(P-9218/91; A-2533)	2056.625	n	(P-4567)
2032.15	r	(P-9218/91; A-2533)	2056.630	n	(P-4567)
2032.20	r	(P-9218/91; A-2533)	2056.635	n	(P-4567)
2032.25	r	(P-9218/91; A-2533)	2056.640	n	(P-4567)
2032.30	r	(P-9218/91; A-2533)	2056.645	n	(P-4567)
2032.35	r	(P-9218/91; A-2533)	2056.650	n	(P-4567)
2032.40	r	(P-9218/91; A-2533)	2056.655	n	(P-4567)
2032.45	r	(P-9218/91; A-2533)	2056.660	n	(P-4567)
2032.50	r	(P-9218/91; A-2533)	2056.705	am	(P-4567)
2032.55	r	(P-9218/91; A-2533)	2090.20	am	(P-5104)
2032.60	r	(P-9218/91; A-2533)	2090.40	am	(P-5104)
2056.1	am	(P-4567)	2090.70	am	(P-5104)
2056.5	am	(P-4567)	2090.70	am	(P-5104)
2056.15	am	(P-4567)	2090.100	am	(P-5104)
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2056.25	am	(P-4567)			
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2056.60	am	(P-4567)			
2056.61	am	(P-4567)			
2056.65	#	(P-4567)			
2056.70	#	(P-4567)			
2056.75	am	(P-4567)			
2056.210	am	(P-4567)			
2056.215	am	(P-4567)			
2056.301	#	(P-4567)			
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2056.303	#	(P-4567)			
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2056.305	am	(P-4567)			
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2056.320	am	(P-4567)			
2056.325	am	(P-4567)			
2056.330	am	(P-4567)			
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150.430	am	(P-4360)
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303.115	n	(P-327)
303.125	am	(P-327)
303.175	n	(P-327)
303.290	am	(P-327)
303.385	n	(P-327)
304.51	n	(P-334)
310.100	am	(P-342) (E-711)
310.110	am	(P-12051/91; A-3450)
310.130	am	(P-12051/91; A-3450)
310.230	am	(P-342)
310.280	am	(P-12051/91; A-3450)
310.290	am	(P-12051/91; A-3450)
310.490	am	(P-6521) (E-6888)
310.490	am	(P-342) (E-711)
310.490	am	(P-342) (PP-5068; RC-6899)
.Th.A	am	(PP-7056)
.Th.B	am	(PP-7056)
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305.20	am (P-5403)	900.310 am (P-12989/91; A-5311)
305.30	am (P-5403)	900.321 am (P-12989/91; A-5311)
305.40	# (P-5403)	900.322 am (P-12989/91; A-5311)
305.50	am (P-5403)	900.330 am (P-12989/91; A-5311)
305.60	am (P-5403)	900.331 am (P-12989/91; A-5311)
305.70	n (P-5403)	900.342 am (P-12989/91; A-5311)
305.80	n (P-5403)	900.343 am (P-12989/91; A-5311)
305.90	# (P-5403)	900.345 am (P-12989/91; A-5311)
305.100	# (P-5403)	900.348 am (P-12989/91; A-5311)
305.110	# (P-5403)	1300.110 am (P-5141/91; A-4819)
305.120	# (P-5403)	1300.120 am (P-5141/91; A-4819)
305.130	am (P-5403)	1300.130 am (P-5141/91; A-4819)
305.140	# (P-5403)	1300.200 am (P-5141/91; A-4819)
352.Ap.A	am (P-13229/91; A-3924)	1300.205 n (P-5141/91; A-4819)
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510.70	am (P-69)	50.10 r (P-6139)
510.80	am (P-69)	50.10 n (P-6139)
510.90	am (P-69)	50.20 n (P-6139)
510.100	am (P-69)	50.20 r (P-6139)
510.110	am (P-69)	50.30 n (P-6139)
597.20	am (P-3440)	50.30 r (P-6139)
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674.20	n (E-2690)	50.40 n (P-6139)
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674.40	n (E-2690)	50.50 n (P-6139)
674.50	n (E-2690)	50.60 r (P-6139)
683.100	r (E-2688)	50.60 n (P-6139)
685.500	am (P-14392/91; A-4529)	50.70 n (P-6139)
685.550	n (P-14392/91; A-4529)	50.70 r (P-6139)
685.600	am (P-16876/91; A-6868)	50.80 n (P-6139)
714.30	am (P-3067)	50.90 n (P-6139)
714.100	am (P-3067)	50.90 n (P-6139)
714.110	am (P-3067)	50.100 r (P-6139)
714.120	am (P-3067)	50.100 n (P-6139)
714.130	am (P-3067)	50.110 r (P-6139)
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787.10	n (P-13027/91; A-2882)	50.120 n (P-6139)
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787.30	n (P-13027/91; A-2882)	50.130 n (P-6139)
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530.460	n	(P-2940/91; A-2193)	1030.84	am	(P-14198/91; A-2182)
530.470	n	(P-2940/91; A-2193)			(C-2957)
530.480	n	(P-2940/91; A-2193)	1070.20	am	(P-15428/91; A-2172)
530.500	n	(P-2940/91; A-2193)	1070.40	am	(P-15428/91; A-2172)
530.501	r	(P-3003/91; A-2256)	1309.10	n	(P-3238)
530.502	r	(P-3003/91; A-2256)	1309.20	n	(P-3238)
530.503	r	(P-3003/91; A-2256)	1309.30	n	(P-3238)
530.510	n	(P-2940/91; A-2193)	1311.10	n	(P-4195/91; W-2942)
530.520	n	(P-2940/91; A-2193)	1440.20	am	(P-5139)

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530.530	n	(P-2940/91; A-2193)	116.40	am	(P-558)
530.600	n	(P-2940/91; A-2193)	121.20	n	(P-561)
530.601	r	(P-3003/91; A-2256)	121.30	n	(P-561)
530.602	r	(P-3003/91; A-2256)	121.40	n	(P-561)
530.603	r	(P-3003/91; A-2256)	121.50	n	(P-561)
530.610	n	(P-2940/91; A-2193)	121.60	n	(P-561)
530.700	n	(P-2940/91; A-2193)	121.70	n	(P-561)
530.701	r	(P-3003/91; A-2256)	121.80	n	(P-561)
530.702	r	(P-3003/91; A-2256)	121.90	n	(P-561)
530.710	n	(P-2940/91; A-2193)	121.100	n	(P-561)
530.800	n	(P-2940/91; A-2193)	121.110	n	(P-561)
530.801	r	(P-3003/91; A-2256)	121.120	n	(P-561)
530.802	r	(P-3003/91; A-2256)	121.130	n	(P-561)
530.803	r	(P-3003/91; A-2256)	121.140	n	(P-561)
530.804	r	(P-3003/91; A-2256)	121.150	n	(P-561)
530.810	n	(P-2940/91; A-2193)	121.160	n	(P-561)
530.820	n	(P-2940/91; A-2193)	121.170	n	(P-561)
530.830	n	(P-2940/91; A-2193)	121.180	n	(P-561)
530.840	n	(P-2940/91; A-2193)	121.190	n	(P-561)
530.900	n	(P-2940/91; A-2193)	121.200	n	(P-561)
530.901	r	(P-3003/91; A-2256)	121.210	n	(P-561)
530.902	r	(P-3003/91; A-2256)	121.220	n	(P-561)
530.903	r	(P-3003/91; A-2256)	121.230	n	(P-561)
530.904	r	(P-3003/91; A-2256)	122.10	n	(P-2113)
530.905	r	(P-3003/91; A-2256)	122.20	n	(P-2113)
530.906	r	(P-3003/91; A-2256)	122.30	n	(P-2113)
530.907	r	(P-3003/91; A-2256)	122.40	n	(P-2113)
530.908	r	(P-3003/91; A-2256)	122.50	n	(P-2113)
530.909	r	(P-3003/91; A-2256)	122.60	n	(P-2113)
530.910	r	(P-2940/91; A-2193)	122.70	n	(P-2113)

708.70	am	(P-8193/91; A-194)
787.10	n	(P-13027/91; A-2882)
787.20	n	(P-13027/91; A-2882)
787.30	n	(P-13027/91; A-2882)
787.40	n	(P-13027/91; A-2882)
787.50	n	(P-13027/91; A-2882)
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1002.45	n	(P-6790)
1010.420	am	(P-5240)
1030.11	am	(P-1271)

